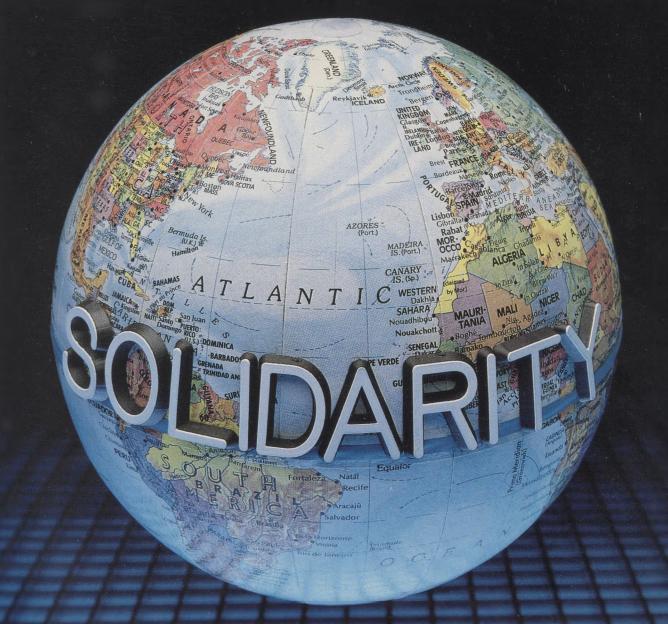
THE INTERNATIONAL
JANUARY 1990

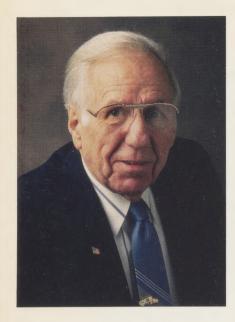
TEAMSTER





WORKERS UNITED IN THE '90s

THE PRESIDENT'S MESSAGE



pon the commencement of the New Year, I would like to take this opportunity to comment on a number of issues that will affect the rank and file and the officers of this International Union in 1990.

First and foremost is the nature of our continuing struggle to prevent the federal government from overreaching its authority as granted by last year's Consent Agreement.

I have always been known as a straight talker, and I'll be no less straight with you on this—when the court-appointed officers abuse their position and threaten the legitimate rights of this Union, we are fighting them, and will continue to fight them, at every turn. We are presently in court defending the democratic rights of our members against unfair and unwarranted government intrusion.

In this connection, I feel it is only right to apologize for the fact that the magazine this month again takes on the tone of a law review with the many legal orders and opinions which legally we have to publish. Hopefully *The International Teamster* will be able to return to reporting on news and events important to Teamsters and the labor movement.

As the leader of this Union. representing nearly two million men and women, I acknowledge my responsibility and duty to protect the rights and integrity of the entire membership. No one is more offended and angered by the attitude and actions of those unelected entities as they attempt to impose their design on this Union and to ignore the wishes and needs of the membership. No one is more committed to our strategy of preventing anyone from unwarranted interference in the daily affairs of our local unions. No one is more dedicated to the ideals that built the Teamsters-the ideals of democratic unionism and fraternal assistance—than Billy McCarthy. And while I reluctantly accepted the terms of the Consent Agreement, no one is working harder to see to it that those terms are not violated by unelected, court-appointed outsiders.

Again, our strategy in 1990 is to win. By winning I mean simply this—to go on bringing the benefits and dignity of belonging to the greatest and most successful trade union in history to as many working Americans as we can. Nothing in this settlement hinders us from accomplishing that goal. The only thing that can hurt us is dissension, finger-pointing, and bitterness toward each other.

Even though I am working hard to ensure that there is no abuse of the agreement, I am also going ahead with the task of getting this Union ready for the new decade. In a number of trade divisions including carhaul, brewery, package delivery, and warehouse, I have appointed Teamsters who understand what it means to organize, negotiate, and serve the membership. I am certain that the accomplishments of these skilled trade division directors will highlight the New Year.

Finally, I want to wish you and your families and the American labor movement, a happy, successful, and secure New Year.

Fraternally yours,

William J. McCarthy

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



Executive Board WILLIAM J. McCARTHY General President 25 Louisiana Ave., N.W. Washington, D.C. 20001

WELDON L. MATHIS General Secretary-Treasurer 25 Louisiana Ave., N.W. Washington, D.C. 20001 JOSEPH TREROTOLA First Vice President 265 W. 14th St., Rm. 1201 New York, New York 10011 JOSEPH W. MORGAN Second Vice President 1250 E. Hallandale Beach Blvd. Hallandale, Florida 33009

EDWARD LAWSON Third Vice President 899 West Eighth Avenue Vancouver, B.C., Can. V5Z 1E3 ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash. 98109

WALTER SHEA Fifth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 JACK D. COX Sixth Vice President 450 Carson Plaza Drive Carson, California 90746 DON L. WEST

S

2

2

Seventh Vice President 125 N. 57th St. Birmingham, Alabama 35212 MICHAEL J. RILEY Eighth Vice President 1616 West Ninth St., Suite 300 Los Angeles, Calif. 90015

T.R. COZZA Ninth Vice President 625 Stanwix St., Suite 1903 Pittsburgh, Pa. 15222 DANIEL C. LIGUROTIS Tenth Vice President 300 South Ashland Avenue Chicago, Illinois 60607 FRANCIS W. HACKETT

Eleventh Vice President 544 Main Street Boston, Mass. 02129 R.V. DURHAM Twelfth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 MITCHEL LEDET

Thirteenth Vice President 2207 Royal Street New Orleans, Louisiana 70177 GEORGE J. VITALE Fourteenth Vice President 1625 Fort Street Wyandotte. Wichigan 48192 GAIRALD F. KISER Fifteenth Vice President 25 Louisiana Ave. N.W. Washington, D.C. 20001

BEN LEAL 459 Fulton St., Suite 304 San Francisco, Calif. 94102 ROBERT G. DERUSHA 650 Beacon St., Suite 501 Boston, Massachusetts 02215

HAROLD J. YATES 320 University Avenue, W. St. Paul, Minnesota 55103

Trustees

January 1990

Volume 87, No. 1

- GEB Attends AFL-CIO Convention Labor leaders meet in Washington, D.C.
- Medical Advisory Committee Meets Advises Union on safety and health matters
- Little City Golf Tournament Held Teamsters support charity event
- Retiree Housing Complex Opens in Minnesota State, Union VIPs attend ceremony
- Union Opposes FHWA Proposal Fights attempt at further deregulation
- Canadian Teamsters Support Charities 14 Efforts continue throughout the year
- Major Battle Brewing in Airline Industry 16 IBT Digs in Heels
- Memorandum to the General President 19 A message from General Counsel Grady
- 21 Report VII to Teamster Members A message from the Independent Administrator
- Memoranda and Orders of the Court 25 The rulings of District Judge Edelstein







8

The International Teamster has an average monthly circulation of 1.886.230 and an estimated readership of 5.000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Team-ster*. Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters. Chauffeurs. Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Teamsters Leadership Attends

AFL-CIO Convention in Washington, D.C.



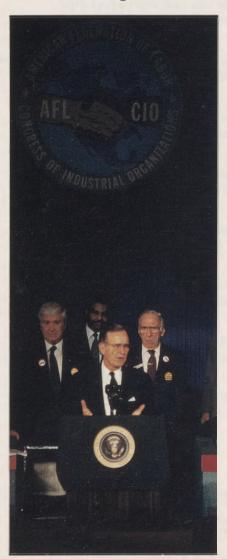
Polish Solidarity leader Lech Walesa.

eamsters General President William J. McCarthy and members of the IBT General Executive Board attended the AFL-CIO's 18th Constitutional Convention from November 13 through November 16 at the Washington Hilton Hotel in Washington, D.C.

McCarthy, who attended each day's sessions as a member of the AFL-CIO Executive Council, was unanimously re-elected to his position on the Council along with 27 other incumbents.

Five new members were also elected to the Council including union presidents Susan Bianchi-Sand of the Flight Attendants, Moe Biller of the Postal Workers, George Kourpias of the Machinists, John Sturdivant of the Government Employees, and Richard Trumka of the Mine Workers.

AFL-CIO President Lane Kirkland, who was re-elected to his sixth two-year term as head of the Federation, delivered the keynote address to the delegates on Monday, November 13. Kirkland noted that with the recent spate of affiliations and reaffiliations, the House of Labor is united as never before as it enters the last decade of the 20th century. "Clearly, the labor movement has weathered the storm of adversity and is in fighting shape to meet the challenges of the 1990s.



President George Bush, addressing Convention delegates, called the American labor movement "an enduring force for freedom.



IBT General President William McCarthy.

At home and abroad, there has never been a more exciting time to be a trade unionist," Kirkland said.

During that first day's session, delegates also heard from Secretary of Labor Elizabeth Dole and Speaker of the House Thomas Foley (D-WA).

The highlight of the Convention occurred the following day when the delegates were addressed by Lech Walesa, the president of Solidarity. Walesa, who was presented with the George Meany Human Rights Award, electrified the audience with his account of Solidarity's long struggle for freedom and democracy on behalf of the Polish people. The Polish hero, who was the 1983 Nobel Peace Prize recipient, told the delegates that the American labor movement has been Solidarity's "most steadfast ally in the trade union struggle for human rights" in Poland and stressed that "the bond of friend-



General President McCarthy greets Massachusetts Senator Ted Kennedy (D) at the Convention. Addressing the delegates, Kennedy promised to lead the campaign on Capitol Hill for health care for all Americans.

ship between Solidarnosc and the AFL-CIO is strong and enduring."

On Tuesday afternoon, U.S. Senators Edward Kennedy (D-MA) and Barbara Mikulski (D-MD) delivered remarks focusing on a number of legislative issues presently before the Congress. Kennedy, who serves as chairman of the Senate's Labor and Human Resources Committee, pledged to lead the fight for health care reform in Congress next year

ver

n,

iry

er A).

on

en

by

ol-

ed

an u-

li-

m

he

0,

ce

es

nt

ıd-

gle

nd

id-

ER



AFL-CIO President Lane Kirkland (left) with Teamsters General President William J. McCarthy.

and predicted that a national health care bill would be passed in 1990.

The third day's session first heard from Senate Majority Leader George Mitchell (D-ME) who shared his views on affordable housing and child care initiatives he had helped guide through the Senate. Mitchell's speech was followed by the election of officers to new terms.

President George Bush addressed the delegates on Wednesday afternoon and concentrated almost solely on international affairs. President Bush called the AFL-CIO "a leading force for democracy", and praised the Federation's work in giving freedom a voice around the world through its work with foreign trade unions like Solidarity in Poland. Bush was the first President to address the AFL-CIO Convention since Jimmy Carter in 1979 and the first GOP President since Richard Nixon in 1971.

Benjamin Hooks, executive director of the National Association for the Advancement of Colored People (NAACP), spoke to the Convention on Thursday morning and thanked the Federation for its enduring stand in support of civil rights for all Americans. Hooks also took the opportunity to present awards to the AFL-CIO and President Kirkland in commemoration of the 25th anniversary of the Civil Rights Act.

The final address to the Convention was delivered by Enzo Friso, the assistant general secretary of the International Confederation of Free-Trade Unions. Friso praised the level of international cooperation among free trade unions around the world and made the important point that in this day and age "there are no more local disputes." Taking note of the strikes at Pittston Coal Group and Eastern Airlines, Friso declared Pittston and Eastern's Frank Lorenzo the equivalents of Third World sweatshop owners.



Members of the Teamsters General Executive Board, along with other IBT representatives, attended the AFL-CIO Convention in Washington, D.C.



IBT General Executive Board members (from left) Walter Shea, Joseph Trerotola, Ben Leal, R.V. Durham, George Vitale, and Frank Hackett. General Secretary-Treasurer Weldon Mathis is seated, forearound.



General President McCarthy (left) with AFL-CIO Secretary-Treasurer Thomas R. Donahue.

Teamster Medical Advisory Committee Advises Union on Safety and Health Concerns



(From left): Committee Chairman Dr. Donald Dawson, General President McCarthy, Dr. Michael E. DeBakey, and Sherman Sass, senior vice president, New England Division, Martin E. Segal Company.

he Teamsters Medical Advisory Committee, a group of prominent physicians who advise the union on safety and health matters, recently met at IBT headquarters to discuss how the Teamsters Union should proceed on issues affecting its members, including areas of concern such as drug testing, driver qualifications, vehicle exhausts, AIDS, and hepatitis.

The doctors also discussed opportunities for new union initiatives in preventive medicine that could result in substantial savings for Teamster health and welfare benefit funds. Like all health funds, Teamster funds are struggling to meet rising medical care costs.

Joining the doctors for the meeting was a variety of guests, including International Trustee Ben Leal, administrators from various Teamster health and welfare funds, and governmental representatives from agencies that make and enforce regulations for industries where Teamster members are employed.

McCarthy Expresses Thanks from Teamsters

Teamster General President William J. McCarthy opened the meeting by praising the doctors for their efforts to help the Union. "On behalf of our members, I thank you," McCarthy said. "Your work is extremely important to this Union and our members."

Committee Chairman Dr. Donald Dawson asked the group to remember the contributions of Dr. Charles Hufnagel, a charter member of the Medical Advisory Committee, who died recently. Teamster International Vice President R.V. Durham, who serves as the IBT's Safety and Health director, offered a resolution accepted by the Committee that concluded, "We, the members of the Teamster Medical Advisory Committee, remember our colleague, Dr. Hufnagel, as a man of tremendous talent, unusual genius, and great compassion, whose enduring, selfless efforts to promote the health and safety interests of Teamster members and workers everywhere will be missed."

Dr. Hufnagel, who became famous in the field of cardiovascular surgery when he pioneered the first heart valve implant, was remembered fondly by the other doctors on the Committee. Dr. Michael E. DeBakey, himself a surgeon who achieved worldwide fame by performing the first heart bypass surgery, had high praise for his friend and former colleague. "When the history of medicine is written for this era," he said, "Dr. Hufnagel will be one recognized as making a major contribution in the cardiovascular area."

te

to

В

p

Medical Qualifications For Truck Drivers

A representative of the Transportation Department's Office of Motor Carrier Standards participated in the discussions on medical qualifications of truck drivers. The Committee discussed reviewing the agency's driver standards for workers with diabetes, cardiovascular problems, and other ailments.

Inviting the Transportation Department to rely on the expertise of the Teamster Medical Advisory Committee in determining driver eligibility standards, Dr. Dawson said, "I hope you recognize the resources that you have here.... We represent nine universities," he concluded, "an amazing resource."

The doctors offered the DOT representative important advice on a government proposal to limit eligibility for individuals with certain forms of heart problems, pointing out specific areas where "inconsistencies" would deny eligibility to those drivers who could reasonably be expected to operate a vehicle safely.

Motor Vehicle Exhausts Put Workers at Risk

er

re

ar

ne

e-

C-

i-

n

Dy

SS

is

en

n

el

ng

al

1e

ne

<-

ar

se

y

er

n

it

e

d

e

Dr. Eula Bingham, a member of the Committee who had been head of the Occupational Safety and Health Administration (OSHA) under the Carter Administration, reported that she recently presented testimony at OSHA oversight hearings on the health risks of exposure to diesel exhausts. At the hearing, Bingham suggested that the agency set standards that will limit the risk of workers getting cancer as a result of exposure to vehicle exhausts.

Teamster Safety and Health Department Representative Vernon McDougall thanked the panel members for "what a great help you have been" in the Union's efforts to address the diesel exhaust problem. One major trucking company recently committed to stop purchasing diesel-powered forklifts, McDougall told the Committee. "This represents an important, concrete accomplishment," he said.

McDougall also reported that a study on the incidences of lung cancer among Teamster members conducted by the National Institute of Occupational Safety and Health has been completed, and that the results are expected to be published soon.



Committee member Dr. Eula Bingham, former head of OSHA under the Carter Administration.



International Vice President R. V. Durham, IBT Safety and Health Director (standing at right), discusses resolution honoring Dr. Charles Hufnagel, a member of the Committee prior to his recent passing.

Teamsters Praised for Drug Testing Efforts

International Vice President Durham thanked the advisory panel for its help in shaping the Union's approach to the question of employee drug testing. The Teamster leader outlined the Union's objections to the Administration's plan to randomly test all transportation workers. Also discussed were the IBT's efforts to make sure that the inevitable human errors of laboratory personnel will not jeopardize workers' careers.

Dr. Raymond Gambino, an expert in the area of drug testing, praised the Teamsters Union for demanding that there be strict standards protecting the chain of custody of urine samples taken from workers, so that results are not mixed and so that positive results can be double-checked.

Hepatitis

Another important topic raised at the Medical Advisory Committee

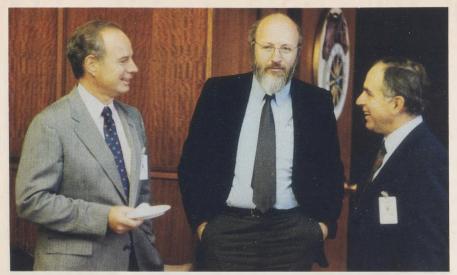
meeting is the potential exposure of Teamster members in certain occupations to hepatitis and other blood-borne diseases. The IBT was advised on what precautions are needed to protect these workers by Dr. A.W. Karchmer of the Harvard Medical School, who suggested a project to investigate Hepatitis B risk among Teamster members in certain occupations.

Preventive Programs: Rising Health Care Costs

Turning to the issue of the rising cost of health care and its impact on union health and welfare plans, the Medical Advisory Committee discussed how preventive programs may be helpful in reducing the financial strain on these funds.

A Wall Street Journal article distributed to the doctors noted that 11.1 percent of U.S. gross national product (GNP) goes to health care costs, the highest rate in the world. In comparison, health care costs in Japan take up only 6.7 percent of that country's GNP,

Medical Advisory Committee



(From left): Committee members Dr. Christopher Saudek of Johns Hopkins University; Dr. James Melius, director, Division of Occupational Health and Environmental Epidemiology at the New York State Department of Health; and Dr. Raymond Gambino, executive vice president and chief medical officer of Metpath Laboratories in Teterboro, NJ.

a nation's total output of goods and services.

Union negotiators worry that rising costs are not only eroding workers' living standards, but making U.S. companies less competitive. The article cited a Chrysler estimate showing that the company's costs in providing health coverage to its workers adds about \$300 to \$500 more to the sticker price of one of its cars compared to what foreign competitors pay for their workers' health care.

Labor leaders are also disturbed by the growing trend among management negotiators to put demands on the table for workers to pick up a growing share of health care costs.

One possible method of offsetting some of the cost increases, which was outlined by Dr. Ellison H. Wittels of the Baylor College of Medicine, is instituting preventive programs designed to identify highrisk groups and to suggest lifestyle changes that will lead to substantial improvements in health.

Since many of the major causes of death in the U.S. can be treated effectively when diagnosed early, health care funds may be able to realize significant cost savings by instituting preventive screening programs and treating ailments before they reach a clinical stage, according to the doctors.

Durham concluded the Medical Advisory Committee meeting by thanking the doctors for taking time out of their busy schedules to assist the Teamsters Union in advancing programs and policies that will help keep union workers and their families safer and healthier.

Formed in 1973 to help the union address the many, compli-

cated medical challenges that face Teamster members, the Medical Advisory Committee meets annually to review projects it has undertaken, and to consider new approaches to medical problems as they arise.

The Committee is chaired by Dr. Dawson, who first became involved with the Teamsters at Local 299 in Detroit, Michigan, during the 1960s. Dawson has also served as the executive director of the Frank E. Fitzsimmons Experimental Surgery Complex, which is dedicated in honor of the former Teamster leader.

"Dr. Dawson has built a formidable team of talented physicians with national reputations for excellence and innovation to advise the Union," Durham noted. Recently, the Committee gave important medical input to the development of the union/management drug and alcohol abuse program for Teamster members employed by trucking firms covered by the National Master Freight Agreement. The Committee is also credited with persuading the Department of Transportation to change driver qualification regulations so that workers who have had heart bypass surgery can return to driving, provided that an examining physician agrees that the employee is able to do so.



General President McCarthy (center) praises Dr. Michael DeBakey (right) and Dr. Donald Dawson for their important input on the Medical Advisory Committee.

20th Little City Golf Tournament



ce

cal

n-

ew.

as

r.

ed

99

he

as

nk

Ir-

ed

er

ni-

ns

X-

se

e-

le-

e-

0-

n-

ed

ht

SO

16-

to

u-

ve

·e-

General President McCarthy addressed attendees at the Teamsters' Invitational Golf Tournament banquet. Proceeds from the charity event benefit Little City Foundation in Palatine, Illinois.

he recent Teamsters' International Golf Tournament for Little City Foundation at the Grenelefe Golf and Tennis Resort in Orlando, Florida, brought together friends from labor and management to enjoy one of the nation's most prestigious and enjoyable charity tournaments.

The monies raised from this tournament will assist the lives of disabled children and adults throughout the United States. Over the past 12 months, Little City Foundation programs have reached many of the nation's seven million people with mental and physical disabilities.

The Story Behind the Little City Foundation

The story behind the Little City Foundation is that 30 years ago, a small group of parents with mentally impaired children dreamed of building a community where their youngsters could lead lives of independence and success.

Distraught over the idea of placing their children in a state-run institution, the parents forged ahead with their dream and bought land in Palatine, Illinois, to build a new community of hope and possibilities. They named it Little City.

Today, 300 children and adults live at Little City. Many people from the community use Little City's social and recreational center. Others benefit from the Foundation's national programs.

Little City Foundation's Project VITAL (Video Induced Training and Learning) is an exciting new program created by the Foundation. It trains people with mental disabilities to run the equipment in a public-access cable television station. Participants have positive experiences that enhance their feel-



General Secretary-Treasurer Weldon L. Mathis (left) congratulates overall winner of the Men's Tournament, Alan Froelich.

ing of self-worth. It is a window to a larger world. Following the training, VITAL students are encouraged to produce independent videos. Many have won national and local awards. Project VITAL is available throughout the United States.

Five Top Winners in the Women's Competition

In the ladies tournament there were five top winners with the

lowest scores who played the links well. Lavonia Carroll, first place; Beverly Kellum, second place; Annette West, third place; Jane Dandley, fourth place; and Rose Trerotola, fifth place.

A total of 400 men and women golfers participated in this year's tournament and raised \$250,000 for the Little City Foundation to be put toward the national programs be conducted to assist the mentally and physically disabled.

In the men's competition, this year's winner was Alan Froelich of Teamsters Local 677, in Waterbury, Connecticut. General Secretary-Treasurer Weldon L. Mathis presented the tournament trophy for the best golf scores during the week-long tournament.

As one of the oldest and longest running charity tournaments in the country, it has always had excellent support from labor and management. However, the primary reason it has such support is that the Little City Foundation is making a better quality of life for these children and young adults.



Pictured with General Secretary-Treasurer Mathis are the winners of the Ladies' Competition of the Little City Golf Tournament. They are (from left): Lavonia Carroll, first place; Beverly Kellum, second place; Annette West, third place; Jayne Dandley, fourth place; and Rose Trerotola, fifth place. Mrs. Myrtle Mathis served as coordinator for the Ladies' Tournament.

Minnesota Teamsters' Manor Opens



The most recently completed housing facility for elderly and handicapped residents and their families, is Minnesota Teamsters' Manor in Minneapolis.

William J. McCarthy is proud to announce the dedication of the Union's most recent retiree housing complex in Minneapolis, Minnesota. McCarthy applauded the joint efforts of labor, business, and government in working together toward this common goal.

State and federal dignitaries joined with the Minnesota Teamsters on November 21, 1989, for a ribbon-cutting ceremony and an open house of Minnesota Teamsters' Manor.

One of Most Upscale Housing Projects in U.S.

According to Teamsters Retiree Housing Corporation Director John Joyce, the project was built with \$1.2 million in funds from the Department of Housing and Urban Development (HUD), along with over \$700,000 of Minneapolis' monetary assistance. According to HUD officials, this is one of the most upscale housing projects in the United States. Among the many features in this project are: full basements, attached garages, and many other special amenities designed for the handicapped and elderly.

This project is sponsored by the Teamsters Retiree Housing Corporation of Washington, D.C., and will also be managed by the same cor-

poration, as are all other Teamstersponsored projects throughout the country.

Plaques Recognize Efforts Of Fortier, Yates

At the reception following the dedication ceremony, recently retired Teamsters Minnesota Joint Council 32 President Howard Fortier was presented with a plaque from General President McCarthy and General Secretary-Treasurer Weldon L. Mathis, thanking him for his many contributions to the International Brotherhood of Teamsters and the Teamsters in the state of Minnesota. Fortier was very instrumental in bringing this housing project from dream to reality after three years of planning.

Another plaque was also presented to International Trustee and President of Joint Council 32 Harold Yates, and the Joint Council Executive Board for years of dedication and civic work.

Yates delivered greetings to the



International Trustee and President of Joint Council 32 Harold Yates (left) and the Joint Council Executive Board were honored by General President McCarthy and General Secretary-Treasurer Mathis for many years of dedication to the labor movement. Presenting a plaque to Yates is IBT Housing Corporation Director Joyce.

political notables and all his brothers and sisters of Minnesota from General President McCarthy. He thanked the General President for his vital support of the housing division and for his assistance in making this project possible.

Minneapolis City Council President Alice Rainville was a guest



At Minnesota Teamsters' Manor ribbon cutting ceremony were (from left): David Morris, secretary-treasurer, Joint Council 32, Minneapolis, Minnesota; Howard Fortier, retired president of Joint Council 32; Harold Yates, president, Joint Council 32; Dan Gustafson, president, Minnesoto AFL-CIO; and Bill Peterson, president, Minnesota Building Trades.

speaker at the housing ceremony, and she expressed great pride in recognizing the Teamsters of Minnesota. "Minnesota Teamsters' Manor is a true tribute to the labor movement within the city of Minneapolis. The Teamsters built a marvelous project that will be used well by residents of the City of Minneapolis for many years to come," Rainville said.

Durenburger Sends Greetings, Praises Teamster Project

Attending on behalf of Minnesota U.S. Senator David Durenburger (R), Assistant Dave Billhorn from the Senator's staff brought greetings and remarks from Durenburger. Billhorn said that a housing project like this can be completed only when all officials pitch in and work together. "This is one of the finest housing projects, with everyone working toward a common goal," Billhorn said. "We salute Howard Fortier for a lifetime of dedication to the labor movement. . . ."

th-

om

He

for

ng

in

Minnesota Teamsters' Manor is one of 10 similar complexes already in existence for elderly and handicapped residents and their families. Several additional complexes are in the early stages of development. They are located in various areas in the United States.



Recently retired Teamsters Joint Council 32 President Howard Fortier (left) was presented with a plaque from General President McCarthy and General Secretary-Treasurer Mathis by John Joyce (right), director of the Teamsters Retiree Housing Corporation.

IBT to Take a Close Look At Free Trade Agreement

United States and Canada concluded a Free Trade Agreement without taking into appropriate consideration the possible negative consequences such an agreement might have on Teamster members in both nations. Over the past two years, it has come to the attention of Teamsters General President William J. McCarthy that there will be seriously negative effects on Teamster members, after the agreement is fully put into effect.

This agreement, which phases out tariff barriers between the two countries between now and the end of 1998 and which deregulates the freight industry in Canada, threatens to cause job losses and reductions on both sides of the border.

The IBT General Executive Board passed an important resolution at its October, 1989, quarterly meeting, authorizing the General President to appoint a committee of six Teamster representatives to study and review the Free Trade Agreement.

The Committee will be comprised of three Teamster representatives from Canada and three from the United States. It will be their task to examine future problems related to the agreement that could affect Teamster members in both countries, and make recommendations to the General Executive Board aimed at best protecting the welfare of the Teamsters' membership in each nation.

Representatives named from Canada are Conference Policy Committee members Joseph Contardi and David Kozak, and Conference Research and Legislative Director Ron Douglas. In their own local unions, Contardi and Kozak represent several thousand members in the Canadian trucking, building supply, dairy, and bakery industries, all of whom have an important stake in Canadian-U.S. trade, while Douglas is actively involved in government lobbying on trade issues.

Appointed from the United States are Robert Piccone, president of Teamsters Local Union 340 in South Portland, Maine; Rondal C. Owens, president of Local 299 in Detroit, Michigan; and Mark Endreson, director of research and education for the Western Conference of Teamsters in Seattle, Washington.

Owens and Contardi will cochair the committee for the purpose of convening the first meeting of the committee.

According to Owens, "The Free Trade Agreement will have an impact on a lot of lives, and on many Teamster members. The Committee will determine exactly what specific impact it will have, and make appropriate recommendations to the General Executive Board."

Additionally, Contardi expects that the committee will be "concerned with how U.S. and Canadian corporations will use the Free Trade Agreement to their own advantage and to the disadvantage of either U.S. or Canadian Teamster members." He hopes the committee "will be able to make recommendations for solutions to problems in the best interests of Teamster members on both sides of the border."

Contardi anticipates that the committee will seek considerable input from local unions about their members' problems resulting from the Free Trade Agreement. "This input will be instrumental in our development of recommendations," he said.

Michigan Teamsters Beat Trucking Deregulation

he battle raged for a year.
On one side: nonunion trucking and broker companies, the "big three" automakers, corporate lobbyists, editorial writers, and some of Michigan's most powerful legislators. On the other side: Michigan's Teamsters.

In the end, Teamsters Joint Council 43, led by President Larry Brennan, and its allies, beat back a drive to deregulate the state's trucking industry when the legislation died in committee.

Months of letter writing, demonstrating, lobbying, coalition building, and offering testimony had paid off. Because of the victory, Michigan Teamsters employed in the trucking industry are protected from the ravages of deregulation, which have led to a loss of jobs and bankruptcies on a national level and in other states where the legislation has passed.

At six hearings before the House Transportation Committee in six different Michigan cities, Teamsters local union representatives and members joined with AFL-CIO officials and a group of union trucking companies to give page after page of testimony against deregulation.

Summarizing his feelings toward the bill at a July hearing in Detroit, Joint Council President Brennan said, "This legislation is not in the interest of Michigan's citizens, it is not in the interest of Michigan's Teamsters, and it is bad public policy. This bill represents special interest legislation at its worst, benefiting a small group of manufacturers and shippers, while causing repercussions which produce harmful affects for the rest of our state."

Also testifying in Detroit was Chuck Mack, president of Teamsters Joint Council 7 in San Francisco. Mack's persuasive testimony related his experiences in California, where the state's Public Utilities Commission realized the failure of deregulation after nearly 20,000 jobs were lost and safety on the highway suffered.

Receiving the support of the IBT in the fight, both International Vice President R.V. Durham and Economics Director Norman Weintraub testified on behalf of Joint Council 43 at an August hearing in Grand Rapids, which was packed by Teamster members from five local unions. Durham, who serves as the Union's

Safety and Health director, testified that federal deregulation has hurt safety on the highways because some companies have cut back on maintenance and repairs in desperate attempts to save money and stay in business. Weintraub criticized the federal government for ignoring workers' lost jobs and earnings as a result of deregulation.

Under Brennan's leadership, Joint Council 43 was able to build a coalition with the AFL-CIO through the Metro Detroit Council, the local central bodies of other cities and the state federation. In a statement released to the media, Michigan State AFL-CIO President Frank Garrison said, "Deregulation gives business a financial incentive to cut corners on wages and safety, service only the most profitable routes, and start price wars that actually lessen competition in the industry."

Teamsters across the state successfully spread the message that deregulation has hurt service in every industry in which it has been enacted.

Union companies joined forces with the Teamsters on a dual press conference tour that visited all three of Michigan's major metropolitan areas in one day. Mark Gaffney, Joint Council community affairs director, asked the gathered reporters at one conference, "What it comes down to is this: do we want to save money for already profitable large corporations in exchange for upheavel in the trucking industry, large amounts of job loss, less safe roads, poorer service and higher costs for small shippers? You tell me."

Brennan praised all Teamsters in Michigan and across the country who mobilized to defeat the bill. "This example of grass roots activism, coalition building, effective representation, commitment and leadership in defeating this anti-union legislation should be recognized by everyone and serve as a reminder that Teamster power must be reckoned with," he said.



(From left): Joint Council 7, San Francisco, CA, President Chuck Mack; Joint Council 43, Detroit, MI, President Lawrence Brennan; Thomas Turner, secretary-treasurer of the Michigan State AFL-CIO; and Ed Scribner, president of the Metropolitan Detroit AFL-CIO.

Teamsters Tell Department of Transportation: Don't Deregulate Safety of Medium Trucks

arge numbers of Teamster drivers suffered loss of their iobs because of economic deregulation of the motor carrier industry. Now, a proposal is before FHWA [the Federal Highway Administration] which would deregulate a large portion of the trucking industry with regard to safe operating condition of the trucks, driver qualifications, hours of service, and other working conditions. Our driver members, and the highway-using public, must not be placed at increased risk by deregulating medium trucks with respect to safety."

ne

ıte

in

he

ng

a

nt

cal

nd

an

ar-

31-

ut

ce

nd

en

IC-

iat

en

es

an

nt

or,

ne vn

0-

all

in

ivve

nd

ti-

g-

ER

These were the words of Teamster International Vice President and Safety and Health Director R.V. Durham as he presented the Union's case recently against a proposal being considered by the Federal Highway Administration. If FHWA eventually adopts this proposal, it could exempt trucks between 10,000 and 26,000 pounds from federal safety regulations.

In preparing the Union's response to the government proposal, the Teamsters Safety and Health Department surveyed local union and union trade divisions representing all types of drivers potentially affected by this change. There was no support among these union leaders for deregulating safety for trucks in this weight range in interstate commerce.

Durham acknowledged that heavy trucks—those over 26,000 pounds—are involved in more fatal accidents than medium trucks—those in the 10,000 to 26,000 pound range. However, medium trucks have more accidents overall: more than 300,000 per year. In addition to fatalities, these medium truck accidents result in injuries, property damage, and traffic tie-ups, which should also concern the Federal Highway Administration.

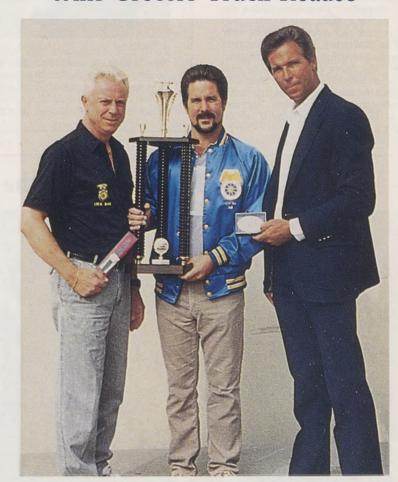
The Teamsters Safety and Health

Director pointed out that by deregulating the safety of medium trucks, FHWA would in effect be opening up this field to teenage drivers, as well as to drivers who are medically unqualified to drive trucks. Restrictions such as those on maximum hours of service, alcohol consumption, etc., would be lifted, along with vehicle safety requirements and vehicle inspection requirements. "In

our view, all of these changes would have an adverse effect on highway safety," he told the government.

Currently, all trucks over 10,000 pounds in interstate commerce are covered by the Federal Motor Carrier Safety Regulations. In most states, trucks over 10,000 pounds operating intrastate are also covered by comparable state safety regulations.

Southern California Teamster Wins Grocers Truck Roadeo



Local 848, Los Angeles, California, member Ken Ferguson (center) was crowned overall champion at the second annual Southern California Grocers Truck Roadeo recently. Ferguson, who bested 49 other Teamster drivers from seven Southland grocery firms in the competition, is pictured above with Local 848 Secretary-Treasurer Jim Santangelo (left) and Business Agent Rick Middleton.

\$90,000 Back Pay Award



Teamster retiree John Fritz (left), of Baltimore, Maryland, formerly a driver for Anchor Motor Freight, was recently presented a back pay award check for over \$2,100 by Baltimore Local 557 Business Representative Arthur (Otts) Morningstar (center). The check was the initial payment of a \$90,000 back pay award in settlement of an unfair labor practice grievance against the company. Also pictured is Victoria Hedian (right), union attorney.

Local 404 Scholarship Award



Local 404, Springfield, MA, recently held its 25th anniversary Steward/Scholarship Banquet, awarding \$10,400 in scholarships to 10 high school seniors who are the children of local members. Local 404 President David Duncan (above) congratulates scholarship recipient Wendy Sanderson, whose father is employed at R.M. Sullivan Transport. Featured speaker at the banquet was International Vice President Frank Hackett.

Deputy Marshals Join the Teamsters



The deputy marshals of Bellwood, Illinois, voted to become Teamsters when they recently ratified a first-time contract with their Village and Chicago Local 714's Law Enforcement Division in Berwyn. The division represents law enforcement officers in the area. Shown above with some of the new Teamsters is Local 714 Organizer/Business Representative Michael A. Vendafreddo (seated, center).

Teamsters Continue to Aid Hugo Victims

eamsters across the U.S. are continuing to help the victims

of Hurricane Hugo.

The storm's 150 mph winds may have ended, but there was still more trouble for the residents of Puerto Rico, the Virgin Islands, and the South Carolina coastline. Electricity and telephone communications were out indefinitely due to the severity of the storm, food supplies were scarce, and there was no drinking water. So Teamsters stepped in to help.

A publication produced by Yellow Freight offered an account of how one of its drivers, Jimmy Richards, a Teamster member of Local 728 in Atlanta, Georgia, helped the hurricane victims. "After the storm my wife Regina said that the Red Cross in Charleston needed help, and asked if there was anything we might do," Richards remembers. "I knew Charleston really needed drinking water, so I contacted a friend of mine, Tom Carroll, the owner of Georgia Mountain Water in Blue Ridge, Georgia. Tom told me they had already sent a load or two of water to Charleston, but that they had to pay for the transportation. He just couldn't afford it again.

"I thought Yellow would help, so I talked with Marie Alderman in Atlanta and asked if I could use a 45-foot trailer and a tractor to haul the water. Marie checked with Kansas City. Kansas City said yes

and I was in business."

The Teamster donated his personal time to make the 8-hour drive from Blue Ridge to Charleston, delivering the 5,280 bottles of spring water to the area.

"I got stopped at the weigh station in Augusta, Georgia, because I was over the 80,000 pound weight limit," Richards told Yellow Freight. "But when I told them where I was going, and why, they just waved me on.

"... When I hit the city limits, I just couldn't believe it. It was like a war zone. Everything was under heavy guard. For example, when I got to the Red Cross building, there were all these National Guardsmen guarding the building and supplies. It was pitiful. Right then, the full impact of the storm hit me, and I realized just how desperate these people were. I was really glad I had decided to help.

Southern Californians Help

Teamster affiliates of Joint Council 42, Los Angeles, California, sent cash donations to their union brothers and sisters in Puerto Rico, Local 2707, Los Angeles, CA, members at USAir collected tons of food, especially baby food and infant supplies, for delivery to Charleston, according to Secretary-Treasurer Marv Griswold.

Pete Espudo, president of the California Teamsters Hispanic Conference and secretary-treasurer of Local 166, Bloomington, California, spearheaded the collection of clothing, non-perishable food and blankets. Local 63, Los Angeles, CA, Secretary-Treasurer Bob Marciel pledged his local union's help to get donations to areas stricken by Hugo.

Union Funds Established

In South Carolina, the state federation has set up the South Carolina AFL-CIO Emergency Assistance Fund. Donations can be mailed to the SC AFL-CIO at 254 La Tonea Rd., Columbia, S.C. 29210.

In addition, the AFL-CIO has set up the Hurricane Hugo Relief Fund to aid trade unionists in the devastated areas of Puerto Rico and the Virgin Islands. Checks can be made out to the Fund and sent to the Office of the Secretary-Treasurer, AFL-CIO, 815 16th St., NW, Washington, D.C. 20006.

Local 901 in Santurce, Puerto Rico, has established a fund to help its members devastated by the hurricane. Donations should be sent to: Disaster Relief Fund, Teamsters Local 901, 352 Perque St., stop 23, Santurce, Puerto Rico 00912.

Teamster Leads Relief Efforts



Teamster Local 776, Harrisburg, PA, member Larry Smith (right) enlisted the help of two radio stations in his area to arrange live broadcasts requesting food and clothing for the victims of Hurricane Hugo. Listener response was so great that Smith took two trips to the devastated area, bringing welcomed supplies in tractor trailers donated by ABF Freight Systems, Inc., where he is employed. Local 776 President Tom Griffith (left) presented a check to Smith for \$500 from the local to purchase food items for the storm victims.

Canadians Continue Teamster Tradition Of Charity, Compassion, and Concern

ot just during the holidays, but all through the year, Teamsters show great compassion toward the less fortunate and are ever willing to lend a helping hand. This spirit is manifested both in spontaneous, caring acts by individuals and in planned endeavors for charity, where cooperation by many is the key.

This concern for others in need is not just a rare occurrence, but one that is sustained and demonstrated collectively by Teamsters across the land. To benefit various charities, Teamsters plan, organize, and undertake many annual fund-raising events. Among them are the popular golf tournaments, where union officers, representatives, and members get together with Teamster-related company representatives, lawyers, accountants, and others in a climate of goodwill and camaraderie. The proceeds from these occasions are donated to many worthy causes.

With this in mind, the Teamsters in Canada during 1989 held three major golf tournaments. These events took place from coast-to-coast: from Quebec in the East, to Ontario in Central Canada, to British Columbia in the West.



(From left): Canadian Conference Director Louis Lacroix, Cardinal Leger, and Local 1999 Business Agent Jean-Paul Provost.

In Granby, Quebec, Joint Council 91 held its annual "Louis Lacroix Golf Tournament" at the Granby St. Paul Golf Course. Jean-Paul Provost, a Local 1999 business agent, and Lise Surprenant, a secretary from the local, organized the event. The enthusiastic turnout of 380 participants included officers and representatives from both the Teamsters and the companies with which they are associated.

Louis Lacroix, Joint Council president and Canadian Confer-



'oint Council 52 President Charles Thibault (right) hands check for \$25,000 to Harry Weston of Variety Village.

ence director, donated the proceeds of \$8,000, on behalf of the Joint Council, to "Cardinal Léger and his Endeavor." This is a charitable organization that cares for the underprivileged, not just in Canada, but internationally as well. This raises to \$38,000 the total contributions over the past seven years to this worthy cause. The Joint Council has also contributed \$16,000 to the St. Justin Hospital for Children and \$2,000 toward drug and alcohol rehabilitation.

On the outskirts of Toronto, Ontario, Joint Council 52 held its



(From left): Mississauga, Ontario, Local 938 Business Agent Wayne Maslen; Joint Council 52 President Charles Thibault; Conference Director Louis Lacroix; and Local 938 Business Agent Val Neal.

first such tournament at the Huntington Golf and Country Club. Val Neal and Wayne Maslen, both Local 938 business agents, and Don Barclay, an arbitration consultant, were instrumental in organizing this tournament. The 100 participants from Ontario and Quebec locals and Teamster-related companies succeeded in raising \$25,000. Joint Council 52 President Charles Thibault, on behalf of the Ontario Teamsters, donated this amount toward the building of a new swimming pool for the handicapped at the Variety Village in Toronto.

Seventy participants, representing Teamsters and Teamster employers, attended the Joint Council 36 tournament in Richmond, British Columbia. This year the event was held at the Mayfair Lakes Golf Course. The organizing committee consisted of Joint Council President Peter Moslinger, Local 213 Business Agents Gerry Fraser and John Newman, and Secretary to the President, Druscilla Palliser-Teed.

The proceeds were shared equally by two recipients this year. On behalf of the British Columbia and Yukon Teamsters, Moslinger presented two checks, each for \$2,550, to the Esther Irwin Home of the Children's Foundation, an organization that aids abused children, and the Children's Jubilee Summer Camp Association. Camp Jubilee, a summer camp for workers' children, was founded in 1936 during the Great Depression. A state of disrepair and outdated facilities forced its closing in 1981. With the assistance of a government grant and union labor, a major renovation project is now underway and should be completed by summer, 1990.

Teamsters volunteer time, energy, and funds to many charitable causes. Along with this, they champion the cause of working men and women in their search for a decent and secure life. Teamsters remain in the forefront in the struggle to create a fair and just society, and they demonstrate a spirit of solidarity, humanitarianism, and caring that truly knows no season.

cal

int

ind

he

ıb.

th

nd

nororond reisesalf ed ng he

ntncil itnt olf ee si-13

nd

to

er-

ER



Joint Council 36 President Peter Moslinger (left) presents donation to John Johnston, trustee on the Board of Directors for the Children's Jubilee Summer Camp Association, and a coordinator of the Camp's Construction Project.

Thirty Attend Leadership Academy



The September '89 Teamster Leadership Academy held at IBT headquarters in Washington, D.C., brought 30 local union officials from across the U.S. to the nation's capital.

Father, Sons Continue Teamster Tradition



Harold J. Berry, Jr. (center), business agent for Teamsters Local 170, Worcester, MA, and his two sons who are also members of Local 170, met recently with General President William J. McCarthy and International Vice President Frank Hackett. Ronald Berry (left) is a driver-salesman for Continental Baking and Glenn Berry is a driver for Atlas Distributors.

Pan Am Workers Ready

To Take on Company

ore than 6,100 Teamsterrepresented employees of Pan American World Airways (Pan Am) are ready to take economic action against the company, if they don't get a fair and equitable contract.

"These workers are in desperate shape," said Airline Division Director William F. Genoese. "They have been suffering a long time."

The Airline Division represents a broad cross section of Pan Am reservations, passenger service and cargo agents, clerical and accounting employees, and nurses.

"B" Wage Rate For New Hires

The company imposed an eight percent wage cut on the workers on February 21, 1988, and established a substandard "B" wage rate for new hires. It also cut back on vacations and holidays and made the workers pay for part of their medical insurance.

Workers Reject Company Offer

Last summer the company came up with a new contract proposal, which was overwhelmingly rejected by the workers at membership meetings throughout the Pan Am system.

The proposal called for restoration of half the eight percent pay cut—but with no retroactivity. The Division said the workers want the full eight percent cut restored—retroactive to February 21, 1988. They also want a 21.6 percent pay increase, which would match the increases received by other groups at Pan Am.

They want to have their vacations, holidays and sick days restored, and they want "Labor Protective Provisions" to safeguard their jobs in case of a merger.

"The workers are demanding full



Airline Division presents buttons to two Pan Am flight attendants at JFK Airport. The buttons call for the elimination of substandard "B" rate wages for all Pan Am employees. The "B" rate was imposed by the company—to make the workers pay for top management's blunders.



Airline Division Director uses a chart to illustrate how Pan American World Airways is flushing out senior employees and replacing them with inexperienced workers earning substandard "B" scale wages. Genoese spoke at a Pan Am membership meeting in Rockleigh, NJ. The workers unanimously voted down Pan Am's latest contract proposal.

benefits for part-timers," according to the Division, "and a cap on what they have to pay for their health insurance. They are ready to take on the company."

Right to Strike Affirmed in Court

The company brought a lawsuit against the Teamsters, claiming

that the Union had given up its right to strike, when the workers failed to walk out in February, 1988.

However, the court held that the workers still have the right to strike, and the company appeared to be backing itself into a strike situation.

"Pan Am blames all its troubles

on the workers," Genoese said. "But the truth is that Pan Am has been brought to the brink of bankruptcy by gross mismanagement over the years.

"The company is making the workers suffer, but management has taken no pay cuts whatsoever. It has received big wage increases every year."

Flush Outs Threaten Senior Airline Jobs

growing threat to the jobs of senior employees throughout the airline industry is the attempt by employers to flush out senior workers in all job categories and replace them with cheap help, according to the IBT Airline Division.

What is a flush out?

"It's the attempt by management to burn and turn loyal workers who have given years of service to an airline," the Department said. "Certain airline companies try to make the jobs of these workers so miserable thay they will leave."

If the workers are not protected by a union contract, the airlines may simply fire them and contract out their work. Subcontractors typically pay wages as low as \$5 an hour to ground support workers, and the workers receive no benefits.

In other cases, the airlines institute a two-tier wage structure, with senior people getting "A" rate wages and new hires getting a substandard "B" rate.

"When the 'A' rate people are flushed out," Division Director Genoese said, "they are replaced by 'B' rate workers. The companies save on wages, Social Security taxes, and benefits. The new hires have no vested interests in their pensions. They sometimes get no health and welfare benefits, until they have been with the company for a certain number of years. Since they tend to be younger and healthier than the senior people, their health insurance costs less. Additionally, their vacations are much shorter than those of the senior people."

Some airlines will carry this a step further by imposing "C" and "D" wage rates which are even lower than the "B" rate. Their aim then is to get rid of the "B" rate workers and replace them with even cheaper help.

"This means no more lifetime careers," Genoese said. "There would only be temporary jobs."

At USAir, for example, more than 50 percent of the flight attendants and fleet service workers receive "B" rates. Pan American World Airways has hired more than 2,000 workers in the last year at "B" rates.

Frank Lorenzo had a flush out program at Eastern Airlines before the Machinists Union struck the company in March, 1989. After pushing the union out on strike, Lorenzo contracted out the fleet service work to subcontractors, paying about \$5 an hour and providing no benefits. The regular

fleet service employees had earned about \$15 an hour before the strike.

Carl Icahn, the head of TWA, flushed out many senior flight attendants after breaking a strike by an independent flight attendants' union.

Divide and Conquer

"Many companies want to institute a 'C' rate even lower than the 'B' rate," Genoese said. "They want to set up as many as five categories among skilled workers and 10 among unskilled workers."

He added:

"It all comes down to an attempt to divide and conquer the workers and eliminate job security. This all started after the airline industry was deregulated. Cutthroat competition followed, and the companies set out to cut labor costs.

"The only way to stop the flush outs is for the airline unions to stand together in fighting Lorenzo and certain other airline managements.

"Airline employees have to work together to protect their rights. The pilots, flight attendants, fleet service, reservations and passenger service people, and the mechanics and cleaners must work as a complete team."

Local Seeks Union's Help in Finding Missing Person

n behalf of Milwaukee, Wisconsin, Teamster Local 344 member Steven Henderson, a driver for United Parcel Service, Local 344 is seeking the help of Teamster members from coast-to-coast in trying to locate Amy Mihaljevic, a relative of Henderson. Amy was abducted in late October, 1989, and is still missing. Amy was born on December 11, 1978, and is in the 5th grade, Middle School, in Bay Village, Ohio.

Description: White female, 4'10"; 90 lbs.; medium build; straight, shoulder-length blond hair; brown eyes; clear complexion; last seen wearing green sweat pants, lavender/green sweatshirt, denim and red backpack, and black boots with silver studs. She had a white windbreaker with her. At the time of the abduction, she was wearing



Amy Mihaljevic

either horse-head silhouette earrings or turquoise earrings.

Details: At 5:58 p.m. on October 27, 1989, Amy was reported to the Bay Village Police as missing. Amy left school and

did not return home. She has not been seen since.

If you have any information, please contact:

Bay Village Police 27214 Wolf Road Bay Village, OH 44140 (216) 871-1234

Mark or Margaret Mihaljevic 628 Lindford Drive Bay Village, Ohio 44140

Note: Crimestoppers is offering a reward of up to \$2,000 for information leading to the arrest and indictment of the person(s) involved—(phone: (216) 252-7463.

Teamsters General President William J. McCarthy urges any Teamster member with information concerning the whereabouts of Amy Mihaljevic to call the Bay Village Police or Crimestoppers.

Teamster Veteran Ernest Hines Retires



Norfolk, Virginia, Teamsters Local 822 President Ernest Hines was honored by 350 friends and family at a retirement dinner on Saturday, December 2, 1989. Hines had been an active Teamster for many years within the state of Viriginia. Along with being active in the labor movement, Hines is also a deacon at two churches in the Norfolk area.

Local 177 Presents DRIVE Check



Joe Purcell (right), president of Teamsters Local 177, Hillside, New Jersey, presented a \$5,000 DRIVE donation to Anthony Impreveduto, councilman for the town of Secaucus, New Jersey, where Local 177 has nearly 2,500 members.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS CHAUFFEURS • WAREHOUSEMEN & HELPERS

OF AMERICA AFL-CIO

25 LOUISIANA AVENUE, N.W. . WASHINGTON, D.C. 20001

OFFICE OF

• JAMES T. GRADY •

GENERAL COUNSEL

(202) 624-6940



MEMORANDUM

To: General President McCarthy

From: James T. Grady, General Counsel

Date: January 8, 1990

Re: Report VII

At your direction Mr. President, I will take this opportunity to correct various inaccuracies and misstatements as contained in Mr. Lacey's Report VII which is contained in this edition of the *International Teamster* magazine. I comment on these items in the order they appear in his report.

1. Mr. Lacey titles his first section "Opposition to Election Democracy Continues." This more accurately should read "Opposition to Imposition of Election Procedures Not Contained in Consent Order Continues." Indeed Mr. President, you have always supported democracy within the IBT. What we object to is Mr. Holland asserting a right to conduct local union delegate elections when no such right is granted to him in the Consent Order.

2. Mr. Lacey fails to note that the IBT has appealed the panel decision of the Court of Appeals to the Full Court and intends to take this case to the U.S. Supreme Court if necessary.

3. The Consent Order provides that Judge Edelstein has exclusive jurisdiction over . . . "any and all issues relating to the Administrator's actions or authority pursuant to this order." It doesn't state . . . "over all matters relating to the Consent Order and the Court-appointed officers . . ." as incorrectly alleged by Mr. Lacey. Once again he attempts to interpret the Court Order in a manner compatible with his personal views.

4. The publication of the various Court Orders in the magazine was ordered by Judge Edelstein. See Order #2 of the November 16, 1989 Court Order printed in the December issue of the *International Teamster*. Mr. Lacey attempts to usurp authority by claiming it was he who requested the December 12, 1989 Opinion to be published, rather than as a result of the Court Order of November 16, 1989.

5. The authority of the Election Officer is not "firmly established" because of our pending appeal to higher courts.

6. On one point Mr. Lacey is correct, the Judge has ordered that his Orders be printed in our magazine without commentary, embellishment, or editing. Accordingly, in order to avoid a contempt citation, I will not comment upon the Judge's Orders. This order is being appealed to the Court of Appeals. Needless to say, the First Amendment will play a major role in our appeal.

7. Mr. Lacey states he is "delighted" to be able to report in our magazine on a monthly basis. I'm not so sure our members share his delight, particularly when they realize that Mr. Lacey's ruminations cost the IBT approximately \$10,000 per printed page.

8. As you know Mr. President, the IBT has refused to publish the names of persons against whom charges have been filed. This is because they are presumed innocent unless and until the charges against them have been established under a "just cause" standard of justice. Mr. Lacey, who is going to be the hearing officer in these cases, wants their names printed in our magazine before they have had a chance to answer the charges against them. Should they be found innocent, they will be unable to undo the harm done to them by the notoriety resulting in the pre-hearing publication of their names. Mr. Lacey's position denies our members their right of due process and is fundamentally unfair.

9. Notwithstanding the fact that the General Executive Board interprets the IBT Constitution, Mr. Lacey states that Article XIX, section 6(b) lists seven examples of conduct which can serve as the basis of disciplinary charges and then gratuitously goes on to say that this list is "non-exhaustive" and is not "intended" to state every set of circumstances which may give rise to disciplinary charges. I would ask Mr. Lacey who he was referring to when he refers to someone's intentions. Certainly not his, as he was never a delegate to an IBT Convention. In short, Mr. Lacey has claimed the ability to interpret the intent of the delegates to the 1986 Convention who established only seven items for discipline, and no more. Mr. Lacey interprets the IBT Constitution in the same way he interprets the Consent Order, and that is according to his personal views.

10. It is interesting to note that Mr. Lacey quotes Mr. Carberry with obvious favor by repeating Mr. Carberry's allegation that the November 1, 1989 Resolution approved unanimously by the General Executive Board, with one abstention, . . . "demonstrates beyond question that the Board's sole purpose here was to protect its own cronies from the charges." This is an attack upon the integrity of every member of the General Executive Board. The clear inference is that the General Executive Board members are trying to protect wrongdoing within the IBT, and associates the General Executive Board members with those charged as their "cronies." This is a scurrilous and false accusation, as you know Mr. President. The Board's interest is in representing its members fairly, with standards of due process, all in accordance with the express terms of the IBT Constitution. This is the sole motivation of the Board members. For Mr. Carberry, as repeated by Mr. Lacey, to so impugn the intentions of the Board members,

Memorandum to the General President (continued)

certainly casts a long shadow upon their claims of impartiality in the discharge of their sworn duties.

11. The keystone of the Government's position in this case was that the La Cosa Nostra should not be involved in any part of the IBT. I know, Mr. President, that you and the members of the General Executive Board share that view. Indeed that shared consensus served as the basis for the settlement that led to the Consent Order of March 14, 1989. However, rather than concentrate their efforts in what is now increasingly appearing to be an illusive non-issue, the Court Officers, in my opinion, appear to be more intent in challenging the incumbent elected officers of the IBT at all levels of our organization. Mr. Lacey regrets that so much of his time (and our money) is devoted to litigation, yet he and the other two Court Officers are the instigators of most of the litigation which revolves around issues of their conducting delegate elections and the manner and means of their communicating with our members at our expense. I respectfully suggest that the Court Officers should focus upon what this case is supposed to be all about and dedicate themselves to the crux of this case which is getting rid of the alleged improper influences that were publicly proclaimed by the Government to be so pervasive when they filed their 117 paragraph Complaint in Federal Court on June 28, 1988.

Court Appointed Officers Report

The following are the salaries and expenses paid to the court appointed officers from IBT funds through December 31, 1989:

ı.	ADMINISTRATOR	Total	Salary	Expenses
	Frederick B. Lacey John J. Cronin, Jr.	\$ 74,434.48 27,122.89	\$ 70,381.25 26,226.00	\$ 4,053.23 896.89
		\$101,557.37	\$ 96,607.25	\$ 4,950.12
II.	INVESTIGATIONS OFFICER			
	Charles M. Carberry	\$120,467.30	\$111,808.25	\$ 8,659.05
	Michael Campbell	22,464.57	22,204.57	260.00
	Matthew Devine	26,941.90	26,155.90	786.00
	Robert W. Fischer, Jr.	8,844.08	8,844.08	-0-
	Robert Gaffey	4,250.00	4,250.00	-0-
	Paul D. Kelly	29,166.65	29,166.65	-0-
	Michael Moroney	30,076.65	29,166.65	910.00
	Richard Murray	15,574.99	15,574.99	-0-
	Timothy O'Brien	8,370.84	8,370.84	-0-
	Frances Saurino	16,693.55	16,693.55	-0-
	John Skala	22,204.57	22,204.57	-0-
	Raul Valles	8,844.08	8,844.08	-0-
	Alfred Wilson	25,000.00	25,000.00	-0-
		\$338,899.18	\$328,284.13	\$10,615.05
III.	ELECTION OFFICER			
	Michael H. Holland	\$ 38,121.77	\$ 33,637.50	\$ 4,484.27
	TOTAL	\$478,578.32	\$458,528.88	\$20,049.44

James T Grady

Canadian Stewards Meet





On November 25–26, 1989, in Halifax, Nova Scotia, Canadian Conference Education Director Nicole Mercier and Conference Organizer William Lemmon conducted a shop stewards' seminar. Conference Director Louis Lacroix addressed the participants and discussed the challenges facing the Canadian Teamsters over the next decade.

Report VII to All Members of the **International Brotherhood of Teamsters**

From: Frederick B. Lacey, Independent Administrator

Opposition to Election Democracy Continues

In the December issue of this magazine, I reported to you that on October 18, 1989, Judge David N. Edelstein, the Federal Judge supervising the March 14, 1989, Consent Order signed by the IBT (and your leadership) and the United States, affirmed the Election Officer's right and responsibility to coordinate, in accordance with the Consent Order, the first secret rank and file election of the IBT General Executive Board in the history of the IBT. In my Report IV, see pp. 26-30 of the October International Teamster, I described the Election Officer's proposed program to achieve democratic election procedures. Judge Edelstein wanted you to have access to his October 18, 1989, Opinion and it has been published in full in the December International Teamster. I encourage you to read his Opinion so that you will be better informed on this all-important issue and will understand your rights in these elections.

Your leadership appealed Judge Edelstein's election ruling. On December 12, 1989, the United States Court of Appeals for the Second Circuit dismissed that appeal; therefore, Judge

Edelstein's ruling stands.

Unfortunately, however, the forces that want to preserve the past IBT system of electing the IBT leadership continue to seek to defeat the democratic election procedures promised in the Consent Order and upheld by Judge Edelstein's Opinion.

The Consent Order provides that the United States District Court for the Southern District of New York, the Court where Judge Edelstein sits, has exclusive jurisdiction over all matters relating to the Consent Order and the Court-appointed officers. However, after Judge Edelstein's October 18, 1989, ruling, certain of the IBT Locals have recently filed a lawsuit in an attempt to frustrate our efforts to implement the democratic election goals of the Consent Order.

On November 17, 1989, a lawsuit was filed against the Election Officer, Michael H. Holland, in the United States District Court for the Northern District of Illinois, sitting in Chicago. The plaintiffs in that suit are five area IBT Locals and their presidents or secretary-treasurers. This suit was brought by the following Locals and individuals: Local 301 and Robert Barnes, its President; Local 705 and Daniel C. Ligurotis, its Secretary-Treasurer and Donald Heim, its President; Local 726 and C. S. Spranzo, its Secretary-Treasurer; Local 734 and Robert N. Meidel, its President; and Local 781 and Joseph Bernstein, its President.

Mr. Ligurotis, one of the plaintiffs, was and is an IBT Vice President and sits on the IBT General Executive Board. He was a defendant in the lawsuit brought by the United States against the IBT and its leadership. Mr. Ligurotis signed the Consent Order and agreed to be bound by its terms. Mr. Ligurotis, in an effort to escape a contempt of court order, subsequently removed himself as a named plaintiff in the Illinois lawsuit. That lawsuit, designed to preserve the former IBT election process, challenges the authority of the Election Officer to implement the election mechanism provided in the Consent Order, despite the fact that Judge Edelstein has clearly established that authority in his October 18, 1989, ruling.

The Justice Department of the United States, recognizing that

this lawsuit in Illinois was filed to frustrate the efforts of the Court-appointed officers to fulfill their responsibilities under the Consent Order, almost immediately obtained from Judge Edelstein a restraining order against the plaintiffs in that suit to prevent them from pursuing it. In addition, the Election Officer has filed a motion to have that case transferred from Illinois to the United States District Court for the Southern District of New York. This motion awaits Court decision. Additionally, on December 12, 1989, Judge Edelstein, on the Justice Department's application, held Mr. Ligurotis in contempt of court for his participation in filing the Illinois suit after having signed the Consent Order as a defendant and having promised not to impede or obstruct achievement of the goals of the Consent Order. I am requesting your leadership to publish in this issue of the International Teamster Judge Edelstein's December 12, 1989, Opinion, and I urge you to read it. Judge Edelstein ordered Mr. Ligurotis to: (1) cause the withdrawal of that lawsuit by December 21, 1989, or pay fines beginning at \$125 per day on December 22, 1989, doubling daily up to \$512,000; and (2) use his personal funds to pay \$44,901.00 in legal fees and court costs incurred by the Court-appointed officers and the United States in resisting the Illinois lawsuit. Mr. Ligurotis has appealed Judge Edelstein's ruling to the Second Circuit Court of Appeals which has "stayed" the Order's effect until the appeal is decided. Two other lawsuits have been filed against the Court-appointed officers. I will discuss these later in this Report. (See V, below).

With the authority of the Election Officer firmly established, and subject to the Illinois action, the secret rank and file elections, as contemplated under the Consent Order, can now become a reality. I urge each and every one of you and your Local Unions to cooperate with the Election Officer in his efforts. The Election Officer has set up an office at the IBT headquarters in Washington, D.C. His mailing address there is: 25 Louisiana Avenue, N.W., Washington, D.C. 20001. Mr. Holland's office telephone number in Washington is: (202) 624-8778. A toll-free number has also been set up for you to call the Election Officer's

office. That number is: 1-800-828-6496.

This month the Election Officer will distribute a survey to each IBT Local Union. The survey asks for copies of your Local Union's bylaws, election rules, locations of meeting hall(s), whether your Local has elections scheduled in 1990, and other historic information on Local Union election practices. Your Local Union's principal officer should complete the survey as soon as possible and return it to the Election Officer at the Washington, D.C. address noted above. Any questions concerning the survey may be directed to that same office.

In January, the Election Officer will propose rules affecting delegate and officer nominations and elections. Hearings on those rules will be held throughout the United States and in Canada in February. All IBT officers and members will be urged to comment on the proposed rules and to participate in the hearings. The locations of those hearings will be published in my next Report. After that process is completed, a final version of the rules will be published in March-April, 1990.

Report VII to All Members

From the Independent Administrator (continued)

II The Court of Appeals' Decision On My Right to Communicate With the Rank and File

In my last Report to you, I indicated that your leadership, through General Counsel Grady, had advised me that it had decided to cease publishing the *International Teamster* monthly, and had decided to publish it every three months beginning in 1990. In an effort to protect these monthly communications to you, I filed an Application (VI) with Judge Edelstein, bringing this intended IBT action to his attention. At the same time, I noted that recent issues of the International Teamster have not listed my Reports in the Table of Contents. I have also brought this omission to the attention of Mr. Zeller, IBT Director of Communications. On November 16, 1989, Judge Edelstein entered an Order preserving and protecting my communications to you on a monthly basis. He ordered that these communications may be made either by continued monthly publication of the International Teamster, or by my directly mailing a monthly report to the IBT rank and file at the IBT's expense. Judge Edelstein has also directed that there be no excerpting of his Opinions. Accordingly, a copy of Judge Edelstein's November 16, 1989, Opinion has been published in full in the December issue of the International Teamster. I urge that you read it, if vou have not already done so.

Your leadership of course then appealed Judge Edelstein's Order concerning my right to communicate with you, and on December 12, 1989, the Second Circuit Court of Appeals also dismissed that appeal. Again, Judge Edelstein's ruling stands and will have to be obeyed.

I am delighted that I will be able to continue to report to you on a monthly basis, because I feel it is absolutely essential that the rank and file of the IBT be kept apprised of everything related to the activities of the Court-appointed officers under the Consent Order. Judging from the many letters that I have received from you, the rank and file members, I know my Reports are read with great interest and are welcome additions to the *International Teamster*.

III Charges Brought by the Investigations Officer

As of the time of this Report, the Investigations Officer has brought charges against 17 officers and members (including a Vice President who sits on the General Executive Board) of the IBT. Except for Messrs. Friedman and Hughes, the IBT has refused to publish their names, a position I intend to challenge in Court. Meantime, the names of the individuals charged, as well as the nature of those charges, as embodied in my quarterly reports to Judge Edelstein, have been made part of the public record by the Court. Moreover, their names have appeared in the public press.

As I have previously informed you, two of those charged, Mr. Harold Friedman and Mr. Anthony Hughes, submitted papers to the Court challenging my authority to conduct their disciplinary hearings. Judge Edelstein rejected their challenges and directed that the hearings proceed. A copy of Judge Edelstein's November 2, 1989, decision on this issue was published in full in the December *International Teamster*. Again, I recommend that you

take the time to read this and the other of Judge Edelstein's Opinions which were published in the December issue, as well as all Opinions which may be published in the future.

Messrs. Friedman and Hughes appealed Judge Edelstein's November 2, 1989, ruling and, in doing so, asked that the hearings be halted by the Court. The Court of Appeals granted Messrs. Friedman and Hughes their right to appeal but, like Judge Edelstein, refused to halt the disciplinary hearings pending the appeal. On December 13, 1989, I commenced the hearings against Messrs. Friedman and Hughes. Those hearings were resumed and concluded on January 4, 1990. I will advise you as to my decision on the Friedman and Hughes disciplinary charges in my next Report and will also advise you on the outcome of any other disciplinary hearings as they are concluded.

IV The Right to Attend General Executive Board Meetings

On November 2, 1989, I asked Judge Edelstein to impose sanctions on your leadership for its failure to comply with certain provisions of the Consent Order, requiring that the Investigations Officer and I receive advance notice of meetings of the IBT General Executive Board, so that we can decide whether to attend them. Your leadership failed to give me such notice in connection with two General Executive Board meetings, one in Florida on October 18, 1989, and the other in Washington, D.C. on November 1, 1989. Judge Edelstein heard the matter on November 13, 1989. At the hearing, attention centered on the fact that during the Washington, D.C. meeting held on November 1, 1989, the General Executive Board adopted a resolution interpreting certain provisions of the IBT Constitution that provide for disciplining IBT members for violations of the IBT Constitution. It was significant that the provisions interpreted by the General Executive Board happen to be those relied upon by the Investigations Officer in the charges he had previously filed against various IBT officers and members.

As I have stated, one of those charged is an IBT Vice President and member of the General Executive Board, who, as a defendant, signed the Consent Order. I have been advised by his attorney that, while this officer now argues that the Resolution's interpretation of the Constitution destroys the basis for the charge against him, this officer abstained from voting in favor of the Resolution.

The first sections of the IBT Constitution which the November 1, 1989, Resolution deals with are Article II, Section 2(a) and Article XIX, Section 6(b). Article II, Section 2(a) provides, in pertinent part, that every IBT member shall pledge his or her honor to "conduct himself or herself at all times in such a manner as not to bring reproach upon the Union." Article XIX, Section 6(b) lists seven specific examples of conduct which can serve as the bases of disciplinary charges. This list is illustrative only, and non-exhaustive, meaning that the list is not intended to state every set of circumstances which may give rise to disciplinary charges. The second item on the list is a "violation of oath of office or of the oath of loyalty to the Local Union and the International Union."

Keeping in mind that the attorney for the IBT Vice President has admitted that he requested an interpretation of the "bring reproach" language of the IBT Constitution, and that his client and others have been charged with bringing "reproach upon the Union by knowingly associating with associates of 'La Cosa

Nostra," the November 1, 1989, Resolution interprets this Constitutional language as follows:

n's

ell

n's

the

ted

ike

ing

ngs

ere

as

ges

of

in

ns

BT

to

in

in

C.

on

he

er

on

at

3T

ed

on

sly

nt

nt,

ey

er-

ge

he

er

nd

in

er

X,

an

ve

ed

to

on

nd

nt

nt

ER

1. a. The expression "to bring reproach upon the Union" is so vague and indefinite that it does not sufficiently inform trade union members and officers of the specific conduct which it covers in the context of trade union principles and practice. Since such term offers no guidance for disciplinary action in situations where there is a basis for more specific charges we hold that the term must be construed within the context of the more specific provisions of Article XIX, Section 6(b) Subsection 3-7, and should be so limited in its application.

An examination of the IBT legal memorandum which accompanied this portion of the Resolution reveals that this interpretation was prompted by the General Executive Board's purported concern with complying with certain provisions of Federal Labor Law which require "written specific charges" for the basis of a disciplinary hearing.

Directly addressing what the General Executive Board apparently felt was pertinent to the charges presently before me, the Resolution also provides that the term "to bring reproach upon the Union":

[D]oes not, cover associations between union members or officers with other persons inside or outside the trade union movement based upon the reputation or reputed activities of such other persons, absent any proof of participation or association with such persons in unlawful, or anti-union activities which would constitute violation of Article XIX, Section 6(b), Subsections 3-7.

I will have to resolve the issues raised by this Resolution in deciding the charges now before me, under all the circumstances.

The General Executive Board's November 1, 1989, Resolution also interpreted Article XIX, Section 3(d) of the IBT Constitution. This section provides that:

... Charges against elective officers of the International Union or any subordinate body shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally by the membership of the International Union or the subordinate body in the case of an officer of a subordinate body.

The Resolution provides that this portion of Article XIX, Section 3(d), "was or is intended to protect an elected officer from being required to defend himself while in office as to chargeable activities which were known generally to the membership at the time they elected him to office, regardless of whether the involved officer admitted or denied participation in such chargeable activities."

This interpretation of Section 3(d) echoes the arguments made by Messrs. Friedman and Hughes when they originally challenged my jurisdiction to hold hearings. This interpretation was rejected by me in an opinion rendered on September 29, 1989, and was also rejected by Judge Edelstein in his November 2, 1989, Memorandum and Order.

Some of those charged by the Investigations Officer have now asserted that, under the above Resolution, there are no bases for the charges. Again, I will consider the effect of this Resolution

in the near future. In fact, I have already requested from the attorneys for those who have been charged, and from the Investigations Officer, as well as the Government and the IBT, memoranda on what impact, if any, the Resolution has on the outstanding charges.

In answer to the position taken by those charged, the Investigations Officer contends that:

The manner in which the resolution was passed by the Board, and the IBT's defense of its actions at the November 13, hearing before Judge Edelstein, demonstrate beyond question that the Board's sole purpose here was to protect its own cronies from the charges.

As to the failure of the IBT to give me advance notice of the October and November General Executive Board meetings (it was at the November Special Meeting that the Resolution was passed), I agreed at the November 13, 1989, hearing before Judge Edelstein to withdraw my request for sanctions against your leadership when Mr. Grady agreed that, in the future, the IBT would furnish me in advance with an agenda of all General Executive Board meetings so that I may then decide whether or not I wish to attend. It was further agreed that, where a General Executive Board meeting will involve privileged communications with the Union's attorneys, I will be notified that such a meeting will be held, with the additional statement that the Board expects to discuss matters that, without exception, are deemed to be protected by the "attorney-client" privilege. After receiving such notice, I will not attend the meeting but the alleged privileged materials discussed must then be submitted to Judge Edelstein for his inspection. Judge Edelstein will then decide whether the materials claimed to be privileged are in fact privileged.

Judge Edelstein directed that the IBT submit what it claims to be privileged materials from its November 1, 1989, Washington, D.C., meeting for the Court's inspection under this procedure. The Court's ruling on this subject should be made shortly in the next week or so.

In his November 16, 1989, Order and Opinion, Judge Edelstein set forth the "inspection" procedure for materials the IBT claims to be privileged. Again, a copy of his Opinion was published in full in the December issue of the *International Teamster*. This is the same Opinion which deals with my right to communicate with you on a monthly basis.

V

Other Lawsuits Which Have Been Filed Against the Court-Appointed Officers

In addition to the lawsuit in Illinois, a lawsuit was filed on December 1, 1989, in the United States District Court for the Northern District of Ohio, sitting in Cleveland, against the Investigations Officer and me, as Independent Administrator, by IBT Local 507, challenging our jurisdiction to bring or hear charges against Messrs. Harold Friedman and Anthony Hughes, who are both officers of Local 507. The lawsuit did not mention that Judge Edelstein had already decided we had that jurisdiction, that Messrs. Friedman and Hughes had appealed that ruling and that Judge Edelstein and the Court of Appeals had refused to halt the hearings. Mr. Friedman is a member of the Policy Committee of the Central Conference of Teamsters, President of the Ohio Conference, President of Joint Council 41, President of Local 507 and Administrator and Trustee of the Joint Council 41 Severance Plan. Mr. Friedman was also an IBT Vice President

Report VII (continued)

and a member of the International General Executive Board until June of 1989, when he resigned his position pending an appeal of a January, 1989, criminal conviction in Federal Court in Cleveland. Like Mr. Ligurotis (See I, above) and the IBT Vice President referred to in IV above, Mr. Friedman, as a defendant, signed the March 14, 1989, Consent Order and agreed to be bound by its terms.

Mr. Hughes is presently an International Representative of the IBT, Recording Secretary of Local 507, Trustee of Ohio

D.R.I.V.E. and an employee of Joint Council 41.

On December 6, 1989, the United States secured from Judge Edelstein a temporary restraining order against Local 507 barring it from pursuing the Ohio action. Furthermore, the Investigations Officer and I have filed a motion to have this case transferred from Ohio to the United States District Court for the Southern District of New York.

On December 4, 1989, Mr. Friedman also filed a motion before United States District Judge White, the judge who presided over Mr. Friedman's criminal trial, which resulted in his conviction, in Cleveland, Ohio, seeking to prevent me from conducting the disciplinary hearing of Mr. Friedman. On December 11, 1989, the United States was successful in obtaining an order from Judge Edelstein, barring Mr. Friedman from pursuing that motion and directing that it be withdrawn. Pursuant to the Order, Mr. Friedman withdrew his motion on December 12, 1989.

The United States also requested Judge Edelstein to hold Mr. Friedman in contempt of court for his alleged participation in the action filed by IBT Local 507 and for filing the motion before Judge White. Mr. Friedman's contempt hearing was held before Judge Edelstein on December 15 and December 20, 1989. That hearing was adjourned to December 27, 1989, to afford Mr. Friedman the opportunity to have Local 507 withdraw its suit. At the December 27, 1989, contempt hearing, Mr. Friedman's attorney represented to the Court that the suit which had been filed in Ohio by Local 507 had been withdrawn "without prejudice" on December 22, 1989. Withdrawing a suit "without prejudice" means that it can be reinstated at any time in the future. A ruling by Judge Edelstein on whether Mr. Friedman was in contempt of court for having filed his motion before Judge White and for his alleged participation in the filing of the action by Local 507 is expected shortly.

On December 8, 1989, yet another action was filed outside the Southern District of New York seeking to prevent the Courtappointed officers from carrying out their responsibilities. IBT Joint Council 73 and IBT Local 641 filed a lawsuit in the United States District Court for the District of New Jersey, in Newark, challenging the Investigations Officer's authority to request and examine their books and records, despite the fact that the Consent Order clearly gives the Investigations Officer that right.

Judge Edelstein signed a temporary restraining order on December 19, 1989, barring the action in New Jersey from proceeding; and on December 20, 1989, a Federal Judge in New Jersey adjourned the matter in light of Judge Edelstein's re-

straining order.

In an effort to avoid the need for the Court-appointed officers to respond to lawsuits filed all over the country, Judge Edelstein, at the request of the United States, signed a temporary restraining order on December 19, 1989, preventing all Locals, Joint Councils, Area Conferences, and other entities affiliated with the IBT from filing or taking any legal action that may impede the work of the Court-appointed officers in any Court other than the United States District Court for the Southern District of New York. In seeking this order, the United States argued that

the terms of the Consent Order itself provide that the United States District Court for the Southern District of New York has exclusive jurisdiction to decide all matters affecting the Consent Order. Judge Edelstein has invited all the entities affected by this restraining order to submit legal memoranda to him. After he has reviewed these memoranda, Judge Edelstein will decide whether to permanently enjoin these subordinate entities from filing suits in Courts other than the Southern District of New York.

VI Corrections

In my Report V, which appeared in the November issue of the *International Teamster* at page 26, it was stated that, "certain officers of Local 227...had resigned their union positions" as a result of the Investigations Officer's activities. We regret that this was a typographical error; the Local involved was 277.

In addition, in that same Report at page 26, it was indicated that Anthony Hughes is an "employee of Joint Council 40." This was a result of a typesetting error. Mr. Hughes is an employee

of Joint Council 41.

Neither the IBT nor I caught these errors in reviewing the page proofs for the magazine. We regret any inconvenience or harm caused Local 227 or Joint Council 40 by these errors.

VII Conclusion

It is regrettable that so much of the time of the Courtappointed officers has had to be devoted to the litigation I have described for you in this and earlier Reports. Nonetheless, we continue to be dedicated to fulfilling our sworn responsibilities under the Consent Order. We ask that you on your part do all that you can to achieve within your Local Unions the goals of the Consent Order.

In closing, I again urge you to read Judge Edelstein's Opinions in the December issue and this issue of the *International*

Teamster.

Any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae 520 Madison Avenue, 30th Floor New York, NY 10022

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland, Election Officer 25 Louisiana Avenue, N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Court Orders of Judge Edelstein

United States District Court Southern District of New York

by

in

at

ed

nis

he

or

ive

we

ies

all

of

ns

ral

ng:

ER

ORDER
88 CIV. 4486 (DNE)

United States of America,
Plaintiff,
-against:

International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of
America, AFL-CIO, et al.,
Defendants.

WHEREAS the Court has reviewed the Declaration of Edward T. Ferguson, III, executed on November 21, 1989, the Declaration of Chris M. Pederson, executed on November 21, 1989, and the Government's Memorandum in Support of Its Motion for Injunctive Relief and an Order of Contempt, dated November 21, 1989, and the court is thoroughly familiar with the foregoing as well as with all other papers and proceedings in this action,

WHEREAS a civil action styled Chauffeurs, Teamsters & Helpers Local 301, et al. v. Holland, No. 89 Civ. 8577 (N.D. III.),

-V-

(hereinafter, "IBT Local 301 v. Holland"), was filed in the United States District Court for the Northern District of Illinois, in Chicago, on November 17, 1989,

WHEREAS the Court finds that the filing of IBT Local 301 v. Holland constitutes an attempt to subvert and frustrate the March 14, 1989 Consent Order of this Court and subsequent orders of this Court in this action, including this Court's Orders of October 18, 1989 and November 2, 1989, and

WHEREAS the Court finds that it has the authority, pursuant to the All Writs Act, 28 U.S.C. §1651, and its inherent equity powers, to prevent attempts to subvert or frustrate its orders, it is hereby

ORDERED, pursuant to the All Writs Act, 28 U.S.C. §1651, and the Court's inherent equity powers, that the plaintiffs in IBT Local 301 v. Holland (to wit: IBT Local 301 and Robert Barnes, its President; IBT Local 705, Daniel Ligurotis, its Secretary-Treasurer, and Donald Heim, its President; IBT Local 726 and C. S. Spranzo, its Secretary-Treasurer; IBT Local 734 and Robert N. Meidel, its President; and IBT Local 781 and Joseph Bernstein, its President) and are enjoined, until further order of this Court, from taking any further action in connection with IBT Local 301 v. Holland, except filing a notice of voluntary dismissal with prejudice, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, or responding to motions made by the defendant in that action.

Dated: New York, New York November 27, 1989

United States District Judge

United States District Court Southern District of New York

ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al.,
Defendants.

EDELSTEIN, District Judge:

This opinion arises out of the implementation of the March 14, 1989 Consent Decree between the plaintiffs United States of America (the "Government") and the defendants International Brotherhood of Teamsters (the "IBT"). The Consent Decree provided for three Court-appointed officials, the Independent Administrator, the Election Officer, and the Investigations Officer, (the "Court Officers") who would prosecute corrupt IBT members and ensure fair secret ballot elections. The ultimate aim of the Consent Decree is to rid the IBT of the hideous

influence of organized crime, and produce freely elected IBT officials.

On November 2, 1989, Harold Friedman and Anthony Hughes ("Friedman and Hughes"), two members of the IBT, moved this Court jointly and separately pursuant to Rule 65(c) of the Federal Rules of Civil Procedure. Friedman and Hughes asked this Court for an injunction against the Memorandum & Order of this Court dated November 2, 1989 (the "November 2 Opinion") which denied Friedman and Hughes' October 12, 1989 motion. The October 12 motions sought injunctions stopping the Independent Administrator from hearing charges filed against them by the Investigations Officer. In the alternative, Friedman and Hughes ask this Court to stay the November 2, 1989 rulings pending appeal to the United States Court of Appeals for the Second Circuit.

Movant Harold Friedman, in his capacity as an International Vice-President of the IBT, was a defendant to the original suit filed by the Government and a signator of the Consent Decree. Movant Anthony Hughes is an officer of an IBT local in Ohio, but not an explicit signator to the Consent Decree. Friedman and Hughes were convicted of labor racketeering charges in U.S. v. Friedman, 86 Cr. 114, in the Northern District of Ohio. The charges filed by the Investigations Officer essentially mirror the conduct in their criminal convictions.

A. The Injunctions

The standard for issuing a preliminary injunction in this circuit is a showing of (a) irreparable harm and either (1) likelihood of success on the merits or (2) sufficiently serious

questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly towards the plaintiff requesting the injunctive relief. Kaplan v. Board of Education 759 F.2d 256, 259 (2d Cir. 1985); Jackson Dairy, Inc. v. H.P. Hood & Sons, 596 F.2d 70, 72 (2d Cir. 1979).

Friedman and Hughes' motions under Rule 65(c) for an injunction against the November 2 rulings essentially mirror their October 12 motion denied in the November 2 rulings. I In the November 2 rulings, I found that neither Friedman nor Hughes faced irreparable harm from the Independent Administrator's hearing. Since the situation which Friedman and Hughes now face has not changed since the November 2 rulings, I again find that no [sic] they face no irreparable harm and that their current motions must be dismissed.

As a further matter, I am concerned that these motions made by Friedman and Hughes may run afoul of Rule 11, since they raise the exact same legal issues which I decided less than one month ago. Rule 11 requires that attorneys file motions in good faith, and such frivolous motions in the future will result in sanctions.

B. The Stays

In the alternative, Friedman and Hughes seek a stay of the November 2 rulings, which would essentially suspend the ability of the Independent Administrator to hear these charges pending the resolution of Friedman and Hughes' appeal to the Second Circuit. In this circuit, the standards for issuing a stay encompass the following considerations:

¹ The facts surrounding Friedman and Hughes' October 12 injunction and the surrounding legal proceedings are set out more fully in this Court's November 2 Memorandum & Order.

² The November 2 Opinion fully sets out fully the reasons why Friedman and Hughes do not face irreparable harm, at \$II.B. There is no need to repeat this reasoning here.

(a) Whether the stay applicant has made a strong showing that he is likely to succeed on the merits;

(b) Whether the applicant will be irreparably injured absent a stay:

(c) Whether the issuance of a stay will substantially injure other parties interested in the proceedings; and

(d) Where the public interest lies.

Hilton v. Braunskill, 481 U.S. 770, 776 (1987).

Applying these criteria to Friedman and Hughes' application, I find they have failed to meet these criteria and the stay should be denied. First, the previous section of this Order, which incorporated §II.B of my November 2 opinion, found that Friedman and Hughes have not made a strong showing that they are likely to succeed on the merits, since I found that they face no irreparable harm, the second criteria. The third criteria, whether staying the ruling will cause injury to any other interested party, appears to have little bearing on this particular request.

Finally, the public interest seems to lie with allowing the Independent Administrator to hear charges against two IBT officers who are felons convicted of labor racketeering charges. Over the years, the IBT has been tarnished with a patina of corruption, and actions to clear this troubled past seem squarely in the interest of IBT officials, the IBT rank and file, and the public in general.

Accordingly, Friedman and Hughes' petitions for stays are hereby denied. So Ordered.

Dated: November 29, 1989 New York, New York

U.S.D.J.

United States District Court Southern District of New York

> ORDER 88 Civ. 4486 (DNE)

United States of America, Plaintiff,

-against-

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

"Friedman motion"), and issued a temporary restraining order, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and the All Writs Act, enjoining Harold Friedman from taking any further action in connection with the Friedman motion,

WHEREAS on December 8, 1989, this Court held a hearing on the Government's motion, established a briefing schedule, scheduled a contempt hearing against Harold Friedman, and continued the temporary restraining order against Harold Friedman

WHEREAS at the December 8 hearing the Government made an application (Tr. at 4, 8–9, 15) for an order directing Harold Friedman to withdraw the Friedman motion until further order of this Court, on the grounds that the Friedman motion is a baseless attempt to prevent the Court-appointed Investigations Officer and Independent Administrator from going forward with a hearing on disciplinary charges against Harold Friedman, and that unless this Court orders Harold Friedman to withdraw the Friedman motion, the Government will be required to respond to that motion by December 12, 1989, and

WHEREAS the Court has considered the arguments of counsel on the Government's application at the December 8 hearing, it is hereby

ORDERED that Harold Friedman withdraw the Friedman motion by no later than 12:00 noon on December 12, 1989.

Dated: New York, New York December 11, 1989

United States District Judge

WHEREAS on December 6, 1989, this Court, upon the motion of plaintiff United States of America (hereinafter, the "Government") issued an Order to Show Cause why Harold Friedman should not be enjoined, pursuant to the All Writs Act, 28 U.S.C. §1651, and the Court's inherent equity powers, from taking any further action in connection with a Motion for Order to Show Cause and Temporary Restraining Order filed by Harold Friedman on December 4, 1989 in United States of America v. Harold Friedman, et al., No. 86 Cr. 114 (N.D. Ohio) (hereinafter, the

United States District Court Southern District of New York

MEMORANDUM & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

at

r

ır

d

r

IS

d

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al.,

Appearances: OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Richard Mark, Peter Sprung, Assistant United States Attorneys, Randy M. Mastro, Special Assistant United States Attorney, of counsel, for the United States,

Defendants.

ANDERSON, KILL, OLICK & OSHINSKY, Jordan Stanzler, Tracy Makow of counsel, for Daniel Ligurotis.

EDELSTEIN, District Judge:

This order arises out of the implementation of the March 14, 1989 Consent Decree between the plaintiffs United States of America (the "Government") and the defendants International Brotherhood of Teamsters (the "IBT"). The Consent Decree sought to rid the IBT of the hideous influence of organized crime by altering the IBT Constitution to allow meaningful electoral reform and providing for three Court-appointed officers (the "Court Officers") to oversee the electoral scheme and bring charges against IBT members accused of corruption.

On November 22, 1989, the Government presented and this Court signed an Order to Show Cause why a preliminary injunction should not be entered pursuant to this Court's powers under the All Writs Act, 28 U.S.C. §1651, (1) enjoining a lawsuit filed by a number of Chicago, Illinois area IBT locals on November 17, 1989, Chauffeurs, Teamsters & Helpers Local 301 et. al. v. Holland, 89 Civ. 8577 before Judge Suzanne B. Conlon of the Northern District of Illinois (the "Chicago suit"), and (2) holding Chicago plaintiff Daniel Ligurotis—a defendant to the original suit by the Government, a signator to the Consent Decree, current member of the IBT General Executive Board, President of IBT Local 705 in Chicago, President of IBT Joint Council no. 25, and International Director and Chairman of the Policy Committee of the 500,000 member Central Conference of Teamsters—in contempt

of the permanent injunction barring interference with the Court Officers at ¶E.10 of the Consent Decree.¹

The Chicago suit alleges in sum that actions by Election Officer Michael Holland—one of the Court Officers and a named defendant in the Chicago suit—have overstepped the bounds of the IBT Constitution. Further, the Chicago suit complains that ¶F.12(D) of the Consent Decree impermissibly amends the IBT Constitution. The Chicago suit also alleges that the Memorandum and Order of this Court dated October 18, 1989 (the "October 18 Opinion") is an impermissible expansion of the Consent Decree and contravenes the IBT Constitution.²

The Order to Show Cause required all parties to the Chicago suit to appear at a hearing on November 27, 1989. On November 27, 1989, Counsel for Daniel Ligurotis appeared before the Court. The other plaintiffs to the Chicago suit defaulted. The Court then gave Ligurotis until December 4, 1989 to respond to the Government's motion.

On November 27, 1989, this Court also issued an injunction pursuant to its power under the All Writs Act enjoining all of the plaintiffs in the Chicago suit from taking any further action in connection with the Chicago lawsuit except filing a notice of voluntary dismissal with prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure or responding to motions made by the defendant in the Chicago suit.

On December 6, 1989, a conference was held on the Government's motion for contempt sanctions against Daniel Ligurotis. This conference resulted in the scheduling of a factual hearing on the motion for sanctions to be held on December 8, 1989. On December 7, 1989, Ligurotis waived his right to be present at the December 8 hearing, and waived his right to contest the facts set forth in the Government's moving papers of November 22, 1989. At the factual hearing held on December 8, 1989, Ligurotis offered no testimony or submissions to counter the evidence offered by the Government, both in testamentary and documentary form.³ Through counsel, Ligurotis disputed that his conduct was contemptuous and in the alternative argued over the penalty to be imposed.

Treasurer Daniel Ligurotis and President Donald Heim; IBT Local 726 and its Secretary-Treasurer C.S. Spranzo; IBT Local 734 and its President Robert N. Meidel; and IBT Local 781 and its President Joseph Bernstein.

² This dispute really centers around the portion of the October 18 Opinion which interpreted the scope of the duties of the Election Officer pursuant to ¶12(D) of the Consent Decree. Summarily, the October 18 Opinion found that the phrase "the Election Officer shall 'supervise' the IBT election . . . in 1991" meant that the Election Officer had broad powers to institute meaningful electoral reforms. See October 18 Opinion.

¹ The complete list of plaintiffs in the Chicago suit includes; IBT Local 301 and its President Robert Barnes; IBT Local 705, its Secretary-

³ The Government introduced the following evidence into the record. First, a series of 13 exhibits ("Gx"); (1) The Consent Decree; (2) The October 18 Opinion; (3) the November 2 Memorandum and Order of this Court; (4) The original summons and complaint in IBT Local 301 et. al. v. Holland, 89 Civ. 8577 (N.D. Ill); (5) The first Amended Complaint in the Chicago lawsuit; (6) the proposed second amended complaint in the Chicago lawsuit; (7) the motion for the Chicago Court's acceptance of the proposed second amended complaint; (8) the Constitution and Bylaws of IBT Local 705; (9) the Bylaws of IBT Joint-Council 25; (10) the Bylaws of the Central Conference of Teamsters; (11) The IBT Roster of subordinate entities and affiliates; (13) the IBT Constitution; (14) the Declaration of Chris M. Pederson. Second, the Government presented the testimony of John Bernard McCormick (the "McCormick testimony"). In addition, the Government introduced a picture of Daniel Ligurotis at a demonstration against the Teamsters for a Democratic Union.

Findings of Fact

The evidence established that Daniel Ligurotis, for all relevant purposes, is an International Vice President and member of the General Executive Board (the "GEB") of the IBT, International Director and Chairman of the Policy Committee of the Central Conference of Teamsters,⁴ President of IBT Joint Council 25,⁵ and the Secretary-Treasurer of IBT Local 705 in Chicago. See McCormick testimony, Tr. at 14-15; Gx. 8 at 8(A); Gx. 9 at §1.01; Gx. 10 at §1.1.

Daniel Ligurotis was a defendant in the Government's original suit against the IBT and the members of its GEB, and ultimately signed the Consent Decree which voluntarily settled that suit. Gx. 1 at 31. Further, ¶E.10 of the Consent Decree permanently enjoins Daniel Ligurotis from "obstructing or otherwise interfering with the work of the court-appointed officers." Gx. 1 at ¶E.10. The defendant in the Chicago suit, Michael Holland, is one of the three Court Officers, the Election Officer. Id. at ¶F.12.

The Consent Decree vests this Court with "exclusive jurisdiction to decide any and all issues relating the [Independent] Administrator's actions or authority pursuant to this order." Gx. 1 at ¶K.19. The Independent Administrator is authorized to make applications to this Court on behalf of the other two Court Officers. Id. at ¶F.12(i). On September 29, 1989, the Independent Administrator filed Application II after a request by the Election Officer to seek clarification from this Court as to the scope of his duties under the Consent Decree. In response to Application II by the Independent Administrator, this Court issued the October 18 Opinion delineating, among other things, the scope of duties of the Election Officer. Gx. 2. This Court held that parties intended "supervise" as used in ¶F.12(ix) to vest the Election Officer with a broad mandate to supervise and reform the IBT electoral process, even at the Local level.6

In response to Application III by the Independent Administrator, this Court issued a Memorandum and Order dated November 2, 1989, (the "November 2 Opinion") which established the ability of the Independent Administrator to hear charges against two IBT members, Harold Friedman and Anthony Hughes. In the November 2 Opinion, this Court held that the International IBT entered

into the Consent Decree as the representative of the IBT rank and file, intended to represent the membership during the litigation, and entered into the Consent Decree as being in the interest of its members. November 2 Opinion (Gx. 3) at 12-15.

Testimony and affidavit established that at an October 19, 1989 membership meeting of Local 705, Ligurotis informed the membership that he intended to file a lawsuit to curb the power of the Election Officer. McCormick testimony, Tr. at 19-20. He also told the membership that he vocalized his displeasure with the Election Officer's duties to IBT General President McCarthy. Id. at 20.

At the next Local 705 membership meeting on November 16, 1989, Ligurotis informed the membership of his intention to file the Chicago suit the next day. Id. at 22, Gx. 14, ¶7. Ligurotis told the membership he felt the Election Officer was "overstepping his bounds," that "we're not getting a fair shake in New York," and then declared "f[---] the Government—they're not going to get this union away from me!" Id. Ligurotis further announced part of his litigation strategy, that if the Chicago lawsuit "is drug <sic> out of here by Edelstein, I'm going to drop the suit." McCormick testimony, Tr. at 22.

On November 17, 1989, the Chicago lawsuit was filed in the United States District Court for the Northern District of Illinois. All of the plaintiff locals are members of IBT Joint Council 25, (Gx. 11) and the IBT Central Conference. Daniel Ligurotis was a named plaintiff. Gx. 4. The sole defendant in the Chicago suit is Election Officer Michael Holland. Gx. 4.

In sum, the Chicago suit seeks a determination from Judge Conlon that ¶F.12(D)(ii) of the Consent Decree as interpreted by the October 18 Opinion which delineates the scope of duties of the Election Officer violates the rights of the plaintiffs in the Chicago suit under the IBT Constitution and local union bylaws. Gx. 4 at Count I¶¶15-17, Count II¶¶16-19. The Chicago suit seeks

an order relieving them from application or enforcement by the defendant of Paragraph 12D of the Consent Order with respect to defendant's conduct or participation in the conduct of the plaintiffs Local Unions' nominations and elections of delegates to the 1991 IBT convention . . .

Id. at 22.

On November 27, 1989, this Court issued an Order

fi

0

⁴ The Central Conference of Teamsters is an intermediate umbrella organization consisting of IBT Locals located in thirteen midwestern states: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Overall, the Central Conference represents about 500,000 of the IBT's 1.6 million members.

⁵ The IBT Joint Council 25 is an intermediate organization situated between the Central Conference and the Locals. All plaintiff IBT Locals in the Chicago suit are members of Joint Council 25.

⁶ The October 18 Opinion delineated the Election Officer's duties as including the following: "... promulgating electoral rules and procedures for the IBT nomination and election; to conduct an educational program aimed at the IBT membership, to actively supervise, direct and oversee the campaigning of candidates, to institute absentee voting procedures, and certify all elections. The Election Officer shall have the authority to carry out these actions over any and all facets of the IBT electoral process up to and including the 1991 election for International Officers.

Further, I find that it is within the scope of the duties of the Election Officer to take any further reasonable actions necessary to carry out his duties as the Election Officer and ensure fair elections for the IBT membership." October 18 Opinion at 9.

⁷ The most relevant portion of the November 2 Opinion reads as follows: "The International IBT, as the elective and administrative leadership of the IBT membership, litigated the suit and entered into the Consent Decree as the representative of its membership and considered the Consent Decree consonant with its member's [sic] interests. In fact, the only logical purpose for the existence of the International IBT is to represent and protect its constituent members, including representing the IBT rank and file as a whole in lawsuits.

The defendant International IBT intended to represent the entire membership, both in the original litigation, and later in the implementation of the Consent Decree." November 2 Opinion at 14.

⁸ McCormick testified that Ligurotis said "I told [IBT General President] McCarthy I'm not going to go along with any of this s[---]. Nobody's going to come up and tell me how to run my locals." Id. at 20.

⁹ The specifics of the Chicago suit are fully set forth earlier in this opinion.

pursuant to the All Writs Act, 28 U.S.C. §1651 and its inherent equity power, enjoining the plaintiffs in the Chicago suit from taking any further action in connection with that suit. This order allowed the plaintiffs to respond to motions by the defendant Election Officer or enter a dismissal pursuant to F.R.C.P. Rule 41(a)(1)(i).

3T

ng

as

on

er

tis

uit

ck

at

r's

er

nis

22,

he

re

ed

nis

ed

uit

to

ed

rn

ers

ral

X.

on

m

as

es

he

BT

ler

tive

and

sic

the

ers,

tire

ien-

ent] dy's

this

ER

On November 29, 1989, the plaintiffs in the Chicago suit filed an amended complaint which dropped Ligurotis as a plaintiff. In addition, this amended complaint also withdrew counts which involved Ligurotis or, in the Chicago plaintiff's view, had any nexus to the Southern District of New York. Gx. 5. On November 30, 1989, the Chicago plaintiffs moved for leave to file a second amended complaint. Gx. 6., Gx. 7.

On December 8, 1989, this Court held the factual hearing described earlier where Ligurotis waived his appearance, and through his attorney waived his right to present evidence. Ligurotis declined to dispute the facts as presented by the Government in testimony, affidavits, and exhibits. Counsel for Ligurotis contested whether the facts as stated constituted contempt, and disputed the penalties sought by the Government.

The Chicago suit may only be seen as an effort to subvert the Consent Decree and circumvent the October 18 Opinion and November 2 Opinion. Further, the suit represents an attempt to interfere with the work of the Election Officer, and seeks to prevent the Election Officer from effectuating his duties as spelled out by the Consent Decree and the rulings of this Court. The legal issues in contention in the Chicago suit are essentially the same as those decided by opinions of this Court.

The evidence further indicates that Daniel Ligurotis was the principal instigator of the Chicago lawsuit. He announced his intention to file the suit to the Local 705 membership, told IBT General President William McCarthy of his intentions, and prophesied the exact date of its filing. Further, the complaint was signed by Sherman Carmell, Esq., Mr. Ligurotis' personal attorney in this action. 10

In addition to his role in the filing of the lawsuit, the evidence also indicates that Mr. Ligurotis engineered the instigation of this lawsuit in order to undermine the rulings of this Court. The litigation seems a blatant attempt to forum shop for relief from rulings he perceives as adverse. That Ligurotis asserts that the suit would be dropped if transferred before me further confirms that this suit is calculated to seek redress from a different forum.

The evidence also demonstrates that Daniel Ligurotis has the singular power to force the withdrawal of this suit. This fact is confirmed by virtue of his position as head of the Central Conference of Teamsters. Article 13 of the Central Conference Bylaws provides that Ligurotis, as the Chairman of the Policy Committee, "is authorized to instruct the Legal Department to supervise the conduct of any litigation which may affect the Conference as a whole, or other Local Unions affiliated with the Conference,

and to determine whether litigation shall be continued or abandoned." (emphasis added.) Undoubtedly, Ligurotis could effectuate the withdrawal of this lawsuit by virtue of this power alone. Ligurotis is also the International Director of the Central Conference of Teamsters, an International Vice-President and member of the GEB, President of Joint Council 25, and President of Local 705. Ligurotis is the most powerful Teamster in Chicago, in Illinois, indeed in the whole midwestern United States.

Discussion

This Court is statutorily empowered to impose the sanction of civil contempt under 18 U.S.C. §401(3). That statute reads in relevant terms:

A court of the United States shall have the power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none others, as-(3) disobedience or resistance to its lawful writ, process, order, rule, decree or command.

Acts of disobedience to clear and unambiguous orders of the Court constitute contempt of court. In re Weiss, 703 F.2d 653, 661 (2d. Cir. 1983). A court has the power to punish such acts. If the court seeks to punish the contemnor it may treat the conduct as civil contempt. Id. Further, this Court may impose contempt penalties for acts or actions that contravene orders of the Court as embodied in a Consent Decree. See U.S. v. City of Yonkers, 856 F.2d 444, 451-54 (2d. Cir. 1988).

The Government in this case seeks a finding that signee Daniel Ligurotis is in contempt of the Consent Decree, specifically the permanent injunction against interference with the work of the Court Officers at ¶E.10. The Government seeks this remedy through their order to Show Cause of November 22, 1989. In this circuit, the standards for holding a person charged with civil contempt require notice of the allegation, the right to counsel, and a hearing at which the plaintiff bears the burden of proof and the defendant has an opportunity to respond. U.S. v. City of Yonkers, 856 F.2d 444, 452 (2d. Cir. 1988).

All of the procedural requirements for civil contempt were met in this situation. In this motion for contempt, the Order to Show Cause of November 22 required Ligurotis to appear at a hearing on November 27. By that time, Mr. Ligurotis had discussed the matter with his Chicago counsel¹¹ and subsequently retained local counsel in New York to represent him in this matter. A further conference was held December 6, 1989, specifically to discuss matters relating to the contempt charges against Mr. Ligurotis. At the December 6 hearing, a further factual hearing on the charges was scheduled for December 8, 1989. At the December 8 hearing, Ligurotis waived his right to appear and declined to offer factual proof to refute the evidence submitted by the Government. These events demonstrate that Ligurotis was given notice of the charges and every opportunity to respond to these allegations.

¹⁰ Mr. Ligurotis has been represented in the proceedings before this Court by Mr. Jordan Stanzler, Esq. of the firm Anderson, Kill, Olick & Oshinsky, of New York City.

¹¹ Sherman Carmell, who the Government submitted was Ligurotis' personal attorney in Chicago, called my chambers after receiving notice of the signed Order to Show Cause asking me to give Ligurotis extra time to appear given the Thanksgiving holiday.

When an individual is to be held in contempt of court for the violation of an order of the Court, the order must be "clear and unambiguous." N.Y. State Nat. Organization for Women v. Terry, 697 F. Supp. 1324, 1331 (S.D.N.Y. 1988). Further, the movant must prove this by clear and convincing evidence. Id. at 1331. The terms of the Consent Decree are sufficiently clear to give a person of ordinary intelligence fair notice of what conduct is prohibited. See id. The purpose of civil contempt is not to punish the civil contemnor, but instead should be devised to coerce compliance with the Court's orders or to compensate the moving party for losses caused by the contempt. U.S. v. City of Yonkers, supra at 450-51. Although wilfulness is not a necessary element of contempt, see McComb v. Jacksonville Paper Co., 336 U.S. 187, 191 (1949), it is relevant to the remedy to be fashioned for that contempt. See Vuitton et Fils, S.A. v. Carousel Handbags, 592 F.2d 126, 130-31 (2d. Cir. 1979). In achieving that end, a district court is afforded broad discretion. See id. at 130.

By virtue of his having caused, supported, and been a named plaintiff in the filed Chicago suit and not effectuating its withdrawal, Daniel Ligurotis is in civil contempt of the permanent injunction in the Consent Decree which enjoins obstructing or interfering with the work of the Court Officers. Ligurotis' act of contempt seems deliberate, willful, intentional, and shows blatant disregard for his obligations under the Consent Decree he signed and the Court that enforces its provisions.

The evidence is crystalline that Ligurotis violated the order as embodied in the Consent Decree. The injunction in the Consent Decree against interfering with the work of the Court Officers could not be clearer. The Chicago suit is a blatant attempt to seek redress from an alternative forum as to the nature of the duties of the Election Officer. Accordingly, I find the Government has met its burden of proof and demonstrated by clear and convincing evidence that Ligurotis is in civil contempt of court in violation of 18 U.S.C. §401(3).

This act of contempt by Ligurotis has caused the defendant Election Officer, the Independent Administrator, and the Government to incur substantial time and expense responding to the lawsuit. In addition, this Court has expended considerable resources as a result of this litigation as well. The Election Officer has responded to this lawsuit, and filed a motion. The Independent Administrator has submitted a lengthy affidavit in support of the motion of the Election Officer. The Government has expended substantial resources in connection with its motions in this suit.

The fees and expenses of the Election Officer, Independent Administrator, and Government are fair, reasonable, and an accurate representation of the costs the respective entities have incurred in response to the Chicago suit. The schedule of fees, as set forth in the Declaration of Edward T. Ferguson, III (executed on December 11, 1989) are reasonable and necessary. Such response is particularly appropriate given the special nature of this litigation, since these [sic] is a limited amount of time for the Court Officers to conduct their important work.

Further, I find that the further sanction of an escalating series of fines, starting at \$125, and doubling daily until the Chicago suit is withdrawn, is necessary to coerce Ligurotis to comply with the Consent Order. Such a

schedule of fines is not unprecedented, and has been held to be coercive rather than punitive in nature. <u>U.S. v. City of Yonkers, supra</u>, at 451. In the Yonkers situation, Judge Sand imposed a schedule of doubling fines in order to coerce elements in the Yonkers city government to comply with the provisions of the consent decree settling that case. The Second Circuit affirmed the fines, holding that if the alleged contemnors are afforded appropriate procedural opportunities to respond, then the fines are an appropriate means to coerce compliance with the provisions of the consent decree Id.

In this instance, Ligurotis may avoid any penalty beyond compensation for expended costs by exercising the power within his discretion and causing the withdrawal of the Chicago suit. Further, even if he should equivocate about withdrawing the suit, the fines will still be sufficiently small so that he could easily pay them. Only if he absolutely ignores this order and allows the fines to escalate will they reach the imposed cap of \$512,000. This ceiling will be reached on the thirteenth day.

Accordingly, pursuant to the authority vested under the All Writs Act, 28 U.S.C. 1651, this Court's inherent equity power, and its power under 18 U.S.C. §401(3), it is hereby ordered that

1. Daniel Ligurotis is in civil contempt of the permanent injunction at ¶E.10 of the Consent Decree, and shall have until 5:00 p.m., C.S.T., on Thursday, December 14, 1989, to cause the withdrawal with prejudice of all counts of the lawsuit captioned <u>Chauffeurs</u>, <u>Helpers & Teamsters Local 301</u>, et al. v. <u>Holland</u>, 89 Civ. 8577 (N.D. III.) (SBC) and thereby relieve himself of contempt; and

2. That in the event the Chicago lawsuit is not withdrawn by 5:00 p.m., C.S.T. on Thursday, December 14. [sic] 1989, then beginning on Friday, December 15, Daniel Ligurotis shall pay a fine out of his own funds. This fine will initially be set at \$125 on Friday, December 15, 1989, and shall double daily until such time as he causes the withdrawal with prejudice of the Chicago suit. This fine shall not exceed \$512,000; and

3. That within one week of today, December 12, 1989, or by December 19, 1989, Daniel Ligurotis shall pay out of his own funds the following amounts: \$7,821.25 to compensate the Election Officer, Michael Holland, \$5,819.00 to compensate the Independent Administrator, and \$31,261.47 to the United States of America; and

4. That a copy of this Order shall be prominently posted forthwith at the headquarters of IBT Local 705, in all places where the leadership of Local 705 ordinarily posts notices to the membership, and that a copy of this order be provided to all members of IBT Locals 301, 705, 726, 734 and 781 that are plaintiffs in the Chicago suit upon request.

SO ORDERED.

Dated: December 12, 1989 New York, New York

/s/ han bacche

p e B e

United States District Court Southern District of New York

ld

ty

to

at

ın

i-

nd

er

ut

ly

ly

ill

ne

ty

ЭУ

nt

ve

of

4.

el

ne

9,

ne

ut

to

nd

all

ts

er

6,

ER

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER 88 CIV. 4486 (DNE)

-X United States of America, Plaintiff, -against-International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

WHEREAS the Court has reviewed the annexed Declaration of Edward T. Ferguson, III, executed on December 15, 1989, and the accompanying Government's Memorandum in Support of Its Motion for Injunctive Relief, dated December 15, 1989, and the Court is thoroughly familiar with the foregoing as well as with all other papers and proceedings in this action, and

WHEREAS a civil action styled Joint Council 73, International Brotherhood of Teamsters, et al. v. International Brotherhood of Teamsters, et al., Civil Action No. 89-5094 (HAA) (D.N.J.), was filed in the United States District Court for the District of New Jersey, in Newark, New Jersey, on December 8, 1989, and

WHEREAS it appears to the Court that the aforesaid New Jersey lawsuit constitutes an attempt to subvert and frustrate the March 14, 1989 Order (the "Consent Order") and subsequent orders of this Court in this action, as well as the work of the Investigations Officer appointed by this Court pursuant to the Consent Order, and

WHEREAS it further appears to the Court that lawsuits previously filed in Chicago, Illinois, and Cleveland, Ohio, by entities affiliated with and subordinate to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (the "IBT") also constitute attempts to subvert and frustrate orders of this Court in this action, as well as the work of the court officers appointed pursuant to the Consent Order, and

WHEREAS the Court finds that other entities or individuals associated with the IBT are likely to file other lawsuits or take other legal action the purpose or effect of which will be to subvert or frustrate the orders of this Court in this action, or the work of the court officers appointed pursuant to the Consent Order, and

WHEREAS the IBT, in litigating this action and entering into the Consent Order, represented all members of the IBT and all entities subordinate to or affiliated with the IBT insofar as the action and Consent Order affected the interests of those members and entities, and all IBT members and all IBT affiliated or subordinate entities are bound by the Consent Order, and

WHEREAS the Court finds that unless a temporary restraining order issues forthwith without notice to the approximately 700 IBT affiliated entities, a substantial number of additional lawsuits against the court officers will be filed, the defense against which will cause irreparable harm to the court officers' ability to carry out their duties under the Consent Order during the limited period of time established in the Consent Order, it is hereby

ORDERED that the plaintiffs in the aforesaid New Jersey lawsuit (to wit: IBT Joint Council 73 and IBT Local 641) and any and all local unions, joint councils, and area conferences affiliated with the IBT, submit papers to this Court (and to the Government) by no later than 5:00 p.m. on the 26th day of December, 1989, at the United States Courthouse, Foley Square, New York, New York, to show cause (if any they have) why this Court should not enter an Order, pursuant to the All Writs Act, 28 U.S.C. §1651, and this Court's inherent equity powers, (i) enjoining the plaintiffs in the aforesaid New Jersey lawsuit from taking any further action in connection with that lawsuit, and (ii) enjoining all local unions, joint councils, area conferences, and other entities subordinate to or affiliated with the IBT, and any members, officers, representatives, agents and employees of the IBT or any such IBT affiliated entity, from filing or taking any legal action that challenges, impedes, seeks review of or relief from, or seeks to prevent or delay any act of any of the court officers appointed by this Court pursuant to the Consent Order in this action, in any court or forum in any jurisdiction except this Court, and it is further

ORDERED that the Government may serve and file reply papers by no later than 5:00 p.m. on the 29th day of December, 1989; and it is further

ORDERED that the matter will be deemed fully submitted on the 2nd day of January, 1990 and no oral argument shall be had: and it is further

ORDERED that, in order to preserve the status quo pending the Court's decision on the Government's motion, and pursuant to the All Writs Act, 28 U.S.C. §1651, and Rule 65(c) of the Federal Rules of Civil Procedure, the plaintiffs in the aforesaid New Jersey lawsuit, as well as all other local unions, joint councils, area conferences and other entities affiliated with the IBT, are hereby temporarily restrained and enjoined from filing or taking any legal action that challenges, impedes, seeks review of or relief from, or seeks to prevent or delay any act of any of the court officers appointed by this Court pursuant to the Consent Order in this action, in any court or forum in any jurisdiction except this Court; and it is further

ORDERED that delivery of this Order and accompanying papers to counsel for plaintiffs in the New Jersey lawsuit and at the offices of every IBT local union, joint council and area conference on or before 5:00 p.m. on the 19th day of December, 1989, shall constitute good and sufficient service hereof.

Dated: New York, New York December 15, 1989

Time: 3:30 p.m.

/s/ mon Ease (he

United States District Judge

United States District Court Southern District of New York

ORDER
88 CIV. 4486 (DNE)

United States of America,
Plaintiff,

-v
International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of
America, AFL-CIO, et al.,

Plaintiff United States of America (hereinafter, the "Government") having filed, on December 6, 1989, an application with this Court to have defendant Harold Friedman held in civil contempt; and the Government having requested during the course of a contempt hearing on December 19, 1989 that Friedman and Local 507 of the International Brotherhood of

Defendants.

Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (hereinafter, "IBT Local 507"), produce certain records; and this Court having ordered production of those documents in an oral ruling from the bench during that December 19, 1989 hearing; and Friedman and Local 507 having produced some but not all of those records; and the Court having found that Friedman and Local 507 have not produced all of the records that the Court previously ordered produced;

IT IS HEREBY ORDERED that defendant Harold Friedman and IBT Local 507 shall produce by no later than noon, Tuesday, December 26, 1989: (i) any and all records reflecting directly or indirectly any travel by Friedman, on union business or otherwise, including but not limited to expense reports, travel vouchers, credit card receipts, airline ticket receipts, from January 1, 1989 to the present; and (ii) any and all records reflecting directly or indirectly telephone calls to or from Harold Friedman and/or IBT Local 507, including but not limited to complete toll records for any telephone numbers used by Friedman and/or Local 507, message slips, diaries and logs, from January 1, 1989 to the present.

Dated: New York, New York December 22, 1989

United States District Judge

Social Security Numbers Needed for Dependents

he Family Support Act of 1988 requires that when taxpayers file their 1989 tax returns, they show the Social Security number (SSN) of any claimed dependent age 2 or older. This new federal law amends the Tax Reform Act of 1986 which required taxpayers to show SSNs on their returns for claimed dependents age 5 or older.

Under the new law, it is estimated that at least half of the children ages 2 through 4 will need SSNs. Many children have numbers by the age of 1—most likely because they were needed for a bank or savings account, savings bond, or other financial transaction. For example, from October 1, 1987, through September 30, 1988, nearly 2.5 million Social Security cards were issued to children age 1 and under.

Any claimed dependents who are age 2 or older by December 31, 1989, must have SSNs to

show on tax returns filed after 1989. Parents are strongly urged to obtain SSNs for their dependents as soon as possible so that they do not have to worry about this matter when tax returns are filed in 1990.

Generally, people can apply for SSNs by using the phone and mail.

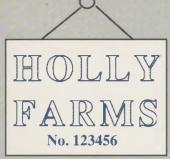
Parents can request an Application for a Social Security Card (Form SS-5) by calling their local Social Security Office. The phone number is listed in the telephone book under Social Security Administration. The application will be sent, along with a pre-addressed envelope.

A person applying for an SSN for a child will need evidence of the child's: (1) age; (2) identity; and (3) U.S. citizenship or lawful alien status. Original or certified copies of original documents are needed. Photocopies are not acceptable.

A public birth certificate can be used as evidence of both age and U.S. citizenship for a child born in the United States. A medical or day-care record can be used to show identity. Other documents which are acceptable are listed on the application form. An application filed on behalf of a child (whether by mail or in person) can be signed by the parent or guardian, who must also provide evidence of identity (a list of acceptable documents is on the application form).

A completed application, along with the required proofs, should be mailed in the envelope provided. Once the evidence is reviewed, a Social Security card will be issued to the child within two weeks. Documents will be returned to the applicant.

Anyone interested in more information on how to apply for an SSN for a child should contact any local Social Security office.



ne

ds

IV.

ds

ne

For

Against Its Workers

- 1. Firing workers for union activity.
- Refusing to recognize union of workers' choice.
- Having its own workers arrested for handbilling on the parking lot, an entirely legal worker activity.
- 4. Defying U.S. Government's certification of bargaining agent.
- 5. Refusal to bargain with employees.
- 6. Blatant disregard for public law.





WOULD YOU TELL UNCLE SAM TO GO SUCK EGGS?

Holly Farms
Tyson Foods
Did

In a devious conspiracy against their workers which defies the U.S. Government!

HERE ARE THE FACTS WHICH EVEN HOLLY FARMS/TYSON FOODS CANNOT DENY WITHOUT LYING TO THE PUBLIC AND ADDING TO ITS LONG LIST OF CORPORATE OUTLAW BEHAVIOR.

- 1. December, 1988, Holly Farms stopped paying drivers for time they had to wait at stores while their trucks were unloaded. This amounted to considerable loss of income.
- 2. Holly Farms drivers came to the Teamsters asking for help their right under federal labor laws.
- 3. On March 9, 1989, the federal government held a secret ballot election in which drivers and yardmen voted 211 to 70 for union membership.
- 4. The United States Government certified the Teamsters as the drivers' and yardmen's legal bargaining agent March 24, 1989.
- 5. Then the unfair labor practices against workers by Holly Farms really began.
- 6. Holly Farms came to the bargaining table BUT didn't bargain and on September 12, 1989, told the union it was transferring its transportation operations to Tyson Foods and that the drivers could no longer be represented by the Teamsters this despite the U.S. Government's order that Teamsters were the legal bargaining agent. Not many entities in this nation have the unmitigated gall to tell Uncle Sam to "Go Suck Eggs."
- 7. Left with no alternative, drivers struck on October 1, 1989.

Since that time, the National Labor Relations Board has had to meet and consolidate a truck load of unfair labor practice charges filed by workers into a comprehensive bill of particulars—unfair charges the government has lodged against Holly Farms/Tyson Foods.

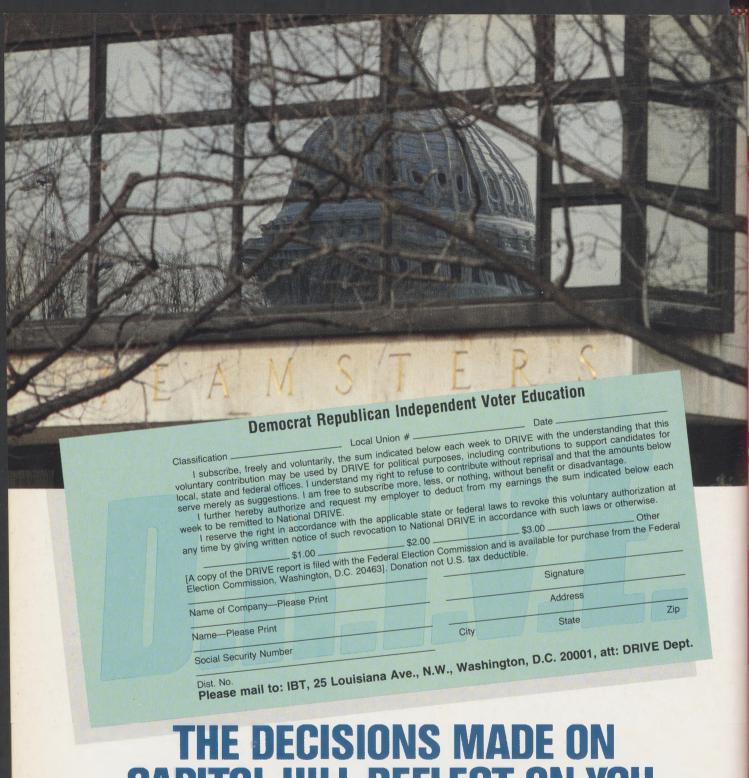
If HOLLY FARMS/TYSON FOODS will defy the U.S. Government on labor law, will it defy U.S. standards regulating sanitation and health in production of chickens you eat?

Don't Buy Chickens From





This is not a strike against any store or market.



FEE

THE DECISIONS MADE ON CAPITOL HILL REFLECT ON YOU, AND ON YOUR UNION.

NOW MORE THAN EVER, SUPPORT IBT D.R.I.V.E.

Now is the time to support the friends of labor who speak out for working men and women everywhere. Show your support by increasing your contributions to the Teamsters' D.R.I.V.E. (Democrat, Republican, Independent Voter Education).

Through your contributions, the Teamsters can continue to have that much needed voice on Capitol Hill.

Invest in your future, return your D.R.I.V.E. coupon today.

THE INTERNATIONAL

FEBRUARY 1990

TEAMSTER



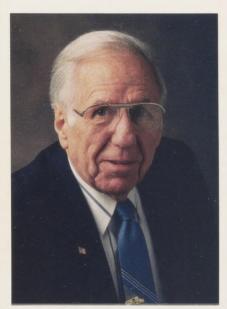


Vanessa Vance
1990 National Easter Seal Poster Child

Meets with GEB, Wins Union's Heart

(See page 2)

THE PRESIDENT'S **MESSAGE**



nince the last time I communicated with you in this space. momentous changes have occurred around the world, most particularly in Eastern Europe. Our televisions and newspapers have been reporting daily on the millions of brave people who are marching and striking for democracy and freedom across Eastern Europe. Politicians and commentators here in the United States are tripping over themselves wishing to praise the courage and determination of these democratic forces; they seem reluctant, however, to point out that this revolution is being led by workers fed up with political repression and economic suppression.

When you take a look at the basic demands of the Eastern Europeans, it's as if they are taking a page out of our own history books. The same intolerable conditions which these valiant men and women have been protesting read like the conditions faced by turn-of-the-century factory, transportation, and mine workers in the United States and Canada. It galls me to see the hyprocrites who urge these democratic forces on in Europe while placing obstacles in front of the same forces in the American labor movement.

The fact is that these Eastern European workers are asserting the same values of human dignity, freedom, and solidarity that the American labor movement has been advancing since our founding. Like American workers for the better part of this century, organized workers behind what was once the Iron Curtain, are now uniting and raising the hopes and aspirations of oppressed people everywhere.

Ironically, while these positive developments are accelerating across the Atlantic, here at home organized labor is under attack by political and business interests as never before. This full-scale coordinated assault on the union movement is denying millions of American workers the benefits and security of democratic trade unionism. The result is lower living standards, lack of health and welfare insurance, and less hope for the future.

It is an indisputable fact that a strong trade union movement, with vigorous and effective collective bargaining, energizes the entire social and economic structure of a nation. Recent government survevs indicate that organized workers earn two dollars more an hour in wages and three dollars more in benefits than their nonunion counterparts. Besides higher pay and better benefits, a worker's union status gives him or her a greater voice in decisions affecting the safety and efficiency of a workplace. In many cases individual union workers extend that activism to the community around them and exhibit the qualities and concerns of civic leadership.

This is why we are proud to be Teamsters, and why I am especially proud to exercise national leadership over this giant International Union. I have been meeting with Teamsters, rank-and-file as well as officials, from all over the United States and Canada to listen to concerns and initiatives as to how best to meet the challenges we face. I have always believed that the most critical function of this International is effective leadership in national negotiations such as the United Parcel Service and National Master Freight contracts. and I intend to see to it that we are successful in these talks.

Fraternally,

William JMSCarl William J. McCarthy

TEANSTER TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



General Executive Board

ar re

n

ay

n

er

ne

k-

al

m

ly

al ch as

ed

to

W

at

15

nd

WILLIAM J. McCARTHY
Ceneral President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
265 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009

EDWARD LAWSON
Third Vice President
899 West Eighth Avenue
Vancouver, B.C., Can. V5Z 1E3
ARNIE WEINMEISTER

ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash. 98109 WALTER SHEA

WALTER SHEA
Fifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President

Seventh Vice President 125 N. 57th St. Birmingham, Alabama 35212 MICHAEL J. RILEY Eighth Vice President 1616 West Ninth St., Suite 300 Los Angeles, Calif. 90015 T.R. COZZA Ninth Vice President 625 Stanwix St., Suite 1903 Pittsburgh, Pa. 15222

Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago. Illinois 60607
FRANCIS W. HACKETT
Eleventh Vice President
544 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelfth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans. Louisiana 70177

GEORGE J. VITALE Fourteenth Vice President 1625 Fort Street Wyandotte, Michigan 48192 GAIRALD F. KISER Fifteenth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001

Trustees
BEN LEAL
459 Fulton St., Suite 304
San Francisco, Calif. 94102
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul. Minnesota 55103

February 1990

Volume 87, No. 2

- 2 General Executive Board Meets
 Legislative docket on Capitol Hill gets
 Union's focus
- 6 UPS Negotiations Schedule
 Director Barlow announces 1990 timetable
- 7 Airline Division Beats Pan Am Workers claim major court victory
- 8 Alaska's Teamsters Part of Panama Invasion Members set up mobile communications facilities
- 10 A Courageous Teamster Beats the Odds

 Determined Illinois member shows true grit
- 12 Memorandum to the General President A message from General Counsel Grady
- 14 Report VIII to Teamster Members

 A message from the Independent Administrator
- 17 Order of the Court

 The ruling of District Judge Edelstein



9



7



S

The International Teamster has an average monthly circulation of 1.886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in

the world.

Editorial material should be addressed to: Teamsters Union. Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department. 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs. Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Easter Seal Poster Child Thanks GEB

Legislative Issues Top Board Agenda As GEB Convenes 1st Quarterly Session



General President William J. McCarthy.

held its first quarterly meeting of the decade January 23–25, and considered several measures, particularly those relating to the legislative agenda and the new session of Congress which reconvened in Washington the same week.

In his report to the Board, General President William J. McCarthy reported on the AFL-CIO's 18th Constitutional Convention, as well as his meeting with the Teamster Medical Advisory Committee. "The work of this committee is extremely significant," McCarthy said, "and I urge all the members of the Board to use the resources this committee makes available to us."

President McCarthy also reported on his work as a member of the President's Drug Advisory Council, which is composed of representatives from all walks of American life including business, sports, entertainment, and politics, as well as labor.

General Secretary-Treasurer Weldon L. Mathis reported on the financial state of affairs of the Union in his first quarterly report of the new year.

Legislative Concerns A Top Priority

The Board also heard from Dave Sweeney, IBT Department of Legislation director, who reported on the new legislative agenda for the returning Congress, which is important to all Teamsters. Key issues of concern include reenactment of the minimum wage effective next year, and the repeal of Medicare Catastrophic Coverage.

Sweeney further reported on the intrastate deregulation study in the parcel industry, the intrastate taxation of transportation workers, and the important issue of child care, a priority issue in Congress. A controversial aspect of the child care legislation on which Congress will resume debate, he said, will be federal funding for church-based day-care.

The Board heard that a number of attempts have been made to increase the Davis-Bacon threshold. While Teamsters have been successful in defeating these attempts, Davis-Bacon reform will again be high on the agenda in this new session of Congress.

Finally, legislation has been introduced which would require the Federal Aviation Administration (FAA) to establish a rule prohibiting excessive duty time for flight

attendants. A hearing held in the House Public Works and Transportation Committee prompted the Department of Transportation (DOT) to commission a study of duty time. The study has since been completed and is being reviewed by the Secretary and the FAA. If it is determined that the issue does not warrant a regulation on the basis of the study, a legislative remedy must be sought.

Update Given on 1991 International Convention

In the course of the three-day meeting, General President Mc-Carthy also reported on progress on plans and details pertaining to the next International Convention to be held in June, 1991, at Walt Disney World, Orlando, Florida. The Board heard plans for head-quarters and delegate hotels and were told that meetings were planned in the near future to formalize arrangements and to discuss delegate assignments by Conference.

In their deliberations, Board members also heard reports and a presentation on the Retirement and Family Protection Plan, and on the Teamster Affiliates Pension Plan. General Counsel James T. Grady also reported on the affairs of the IBT Legal Department.



The General Executive Board meets in its first quarterly session of the year.



e

1

International Vice President and Eastern Conference Director Joseph Trerotola (left) and International Vice President T.R. Cozza.



International Vice President and Western Conference Director Arnie Weinmeister (left) and International Trustee Ben Leal.



International Vice Presidents R.V. Durham (left) and Jack Cox.



(From left): International Vice Presidents Michael J. Riley and Mitchel Ledet with General Secretary-Treasurer Weldon L. Mathis.

Other reports were presented by the Communications Department, and by the DRIVE Department. With reapportionment looming ahead in the new decade, and Congressional races as well as important Senate and gubernatorial races approaching this fall, General President McCarthy urged all Board members to once again become deeply involved in DRIVE and to encourage members to sign up for DRIVE checkoff, in order to have an effect on these important races.

Concluding the January Board meeting, and certainly one of the highlights, was the appearance of



International Vice President Frank Hackett (left) and International Trustee Robert DeRusha review reports submitted to the Board.

When Help Is Needed . . . Teamsters Are There

or more than eight decades, the Teamsters Union has been responding to the needs of others.

With the true spirit of brotherhood, Teamster members across the country generously lend their support to countless deserving charitable organizations. Again and again, through the International headquarters, through Teamster Conferences, through Joint Councils and local unions, and through individual members' contributions, Teamsters are there—ready to help with a donation of time and talent, dollars and dimes.

Every year, thousands of charitable organizations benefit from Teamsters' generosity. Every day, thousands of individuals are helped because Teamsters care.

This concern and support for their fellow members, their neighbors and communities, and deserving unknown individuals who need assistance, are shown many times, in many ways. In this issue of The International Teamster, readers will find heart-warming and encouraging stories about individual Teamster heroes, about a courageous 11—year—old girl, and about a favorite Teamster charity.

These stories, however, are just a glimpse at the special sense of community, the unique spirit of brotherhood that Teamster members and their families share. Without a doubt, the International Brotherhood of Teamsters has a long and proud history of responding to the needs of others. And the nearly two million active and retired members of this Union wouldn't have it any other way.

About Easter Seals . . .

he Easter Seal Society—founded in 1919 to help people with disabilities achieve maximum independence—is a principal beneficiary of Teamster generosity.

For the past several years, the Union has served as a national sponsor for the Society's annual fund-raising telethon. The IBT will again be a national sponsor for the 1990 telethon on March 3–4

Support for the organization has grown steadily among Teamster locals through the years. Members at various locals unions across the country volunteer their time to set up collection roadblocks for Easter Seals, or to man telephones at the telethon.

Easter Seals receives the largest single donation of any Teamster charity, with contributions from the International headquarters, IBT Conferences, Joint Councils, local unions, and individual Teamster members totaling over a million dollars in the past several years.

The charity is well-deserving and can be proud of its record. Operating for over 70 years, the Easter Seal Society today is a nationwide network of 190 affiliates and 400 program service centers in all 50 states, D.C., and Puerto Rico.

Easter Seals provides direct services to more than one million people each year. It serves people with any disability and their families—all races and all religions. Of these, 60 percent are children; 40 percent are adults.

A nonprofit, voluntary organization, it ranks first among National Health Council members in the percentage of program dollars spent on direct services: 93 percent of total program expenditures. And 92 cents of every dollar raised in a community are spent in that community.

Easter Seal programs are chosen by each community, to meet local needs. Among the most widely available services are:

- Physical, occupational, and speech-language therapies for children and adults
- Screening programs to identify and, when possible, to prevent vision, speech and hearing problems, scoliosis, and other disabling conditions
- Counseling and support groups for people with disabilities, their families, and friends
- Parent resource centers with adaptive toys and play-therapy programs for young children
- Summer camping and year-round recreational programs adapted for children and adults with disabilities
- Computer—and other assistive—technologies tailored to meet the independent living needs of people with many different disabilities
- Equipment loans for equipment such as braces, crutches, wheelchairs and hearing aids
- Job evaluation, training, and placement programs for people with disabilities and retraining programs for people who have become disabled through workplace accidents

GEB (continued)

11-year-old Vanessa Vance, the National Easter Seal poster child for 1990. Vanessa, who has spina bifida, told the Board how the Easter Seals Society has helped her deal with her disabilities and has assisted her in learning to walk with crutches and use her wheel chair effectively.

Easter Seals Thanks Teamsters

Miss Hilary Thornton, a corporate marketing manager with the National Easter Seal Society, thanked the Board and Teamsters throughout the country for their generous contributions year after



(From left): General President McCarthy, Mrs. Vivian Vance, and Vanessa. Vanessa will appear on "Good Morning, America" in February, and will meet with President George Bush on Feb. 14, her birthday.

year which, as she pointed out, have assisted many children like Vanessa and adults with a variety of disabilities. Thornton also stated that the various Easter Seal affiliates throughout the nation will be working closely with Teamster local unions and joint councils between now and March 3–4, the weekend of the National Easter Seal telethon hosted by Pat Boone and televised nationally.

The Easter Seal Society is a principal beneficiary of Teamster generosity. For the past several years, the Union has served as a national corporate sponsor for the Society's annual fund-raising telethon. Support among Teamster locals and individual members has also grown steadily. Today, Easter Seals receives the largest single



ne Id

na

ne

ed

nd

lk

el

у,

rs

ir

er

a'

nt

se

ty

ed

e

)-

2-

ne

er

ne

a

er

a

ne

er

National Easter Seal Child Vanessa Vance appeared before the General Executive Board at its January meeting to thank Teamsters for their support of the charitable organization.

annual donation of any Teamster charity.

Vanessa's mother, Mrs. Vivian Vance, also thanked the Board for allowing Vanessa and the Easter Seal Society to be represented at the GEB meeting. She said that Vanessa now has many friends at the Teamsters and will look forward to meeting Teamster members and their families during her travels throughout the country this year.

In the final action of the meeting, the Board approved its annual contribution to the National Easter Seal Society and authorized a check to be presented to Pat Boone on behalf of the Teamsters during the 1990 Easter Seal Telethon.



About Vanessa . . .

Texas, who is the National Easter Seal Child for 1990, makes a lasting impression wherever she goes.

A fifth grader who loves sports and music, Vanessa, born with spina bifida, is paralyzed from the waist down.

With the help of leg braces and crutches, or a wheelchair, Vanessa pursues her athletic interests as an award-winning swimmer, and enjoys baseball and wheelchair tennis. She's also an accomplished sit-skier and is learning to water-ski on a ski board.

Vanessa has been receiving Easter Seal services since she was $1\frac{1}{2}$ years old. She and her parents, Louis and Vivian, credit Easter Seals with teaching her how to walk with crutches—when she was three—and with helping her learn to navigate stairs and make the wheelchair transfers needed for her to be mainstreamed in school.

Vivian Vance participated in Easter Seal support groups where she received emotional support, shared practical tips on parenting children with disabilities, and learned there was far fewer limitations for her daughter than she had been led to believe.

Vanessa lives at home with her parents and enjoys the rough tumble play her two college-aged brothers add to her life when they come home from school.

She attends St. Mary's Hall, a private school in San Antonio, where she has been—since nursery school—the only child with a disability. Vanessa participates in everything, including coeducational physical education class.

It is this class that hopes to witness her *Guinness Book of Records* three "wheelies" around the gym sometime in the next year. Many of her classmates have also sat in her lap for joyrides in her sporty wheelchair over the hilly paths of the school's campus.

Since she was seven, Vanessa has competed in swimming meets and has a collection of medals and ribbons she has won in Special Olympics. When she showed an interest in tennis, her physical education coach taught her the basics after school. She has continued with a tennis pro, learning to use her "chair" to really get around the court. She also loves horseback riding for the greater mobility it allows.

Her favorite sport, however, is snow-skiing. Vanessa participates in what is known as "sit-skiing." For the past several winters, Vanessa and her family have gone skiing in Colorado with an adult rehabilitation group from Baylor Medical Center. She quickly learned the movements required to sit-ski and graduated from the bunny hill to an intermediate slope.

When asked what she would want if three wishes could be granted to her, Vanessa said, "100 dogs, three miniature horses and as much ice cream as I wanted."

And if you ask her if there's anything she wants people to know about her—and other kids with disabilities—Vanessa is quick to point out, "that you need to let us try first, and if we can't do it, fine." "Then," she says, "offer to help us."

1990 UPS Negotiations Schedule

1 Barlow, director of the International's Parcel and Small Package Trade Division, has announced the following dates and schedule for the 1990 negotiations for the National United Parcel Service (UPS) Master and Supplemental Agreements.

February 6–7	Screening Committee
	Holiday Inn—Metro Center
	Washington, DC

Appointed Members of the National and Supplemental Committees

February	27	2-Person	Committee
		Sheraton	Hotel-Chicago, IL

2 Representatives from Each UPS Local Union to Finalize Proposals to be Submitted to Company for Negotiations

March 6-7 Formal Exchange of Proposals Holiday Inn-Metro Center Washington, DC

National Committee Only

March 26-30 Negotiations **Embassy Suites Hotel**

Scottsdale, AZ

April 16-25 Negotiations

Embassy Suites Hotel Scottsdale, AZ

May 8 Finalize all Supplements Chicago, IL

May 14-19 Negotiations **Embassy Suites Hotel**

Scottsdale, AZ

May 22-25 Supplemental Deadlocks Sheraton Hotel, Chicago, IL

June 7 Deadline—all supplemental changes to IBT for approval prior to Referendum

\$60,000 in **Back Pay**

n July, 1989, Nu-Car Carriers in Port Newark, New Jersey, requested shift changes for several employees. Union City, NJ, Local Union 560 Recording Secretary and Business Agent Al Vallee asked the employees if they favored the proposed changes. They unanimously rejected them.

Vallee advised the company that the changes could not be considered. He also reminded management that the rider in the contract stated that no changes could be made without notification to and consent of Local 560.

Nu-Car Carriers decided to start employees on a new shift that was four hours earlier than their normal start time. A case was submitted to the Eastern Conference of Teamsters.

Vallee requested four hours upfront overtime for the employees involved, pointing out that the contract compels the company to allow the men to finish their shift; therefore, four hours straight time were requested per day, per driver.

The Eastern Conference upheld Local 560's claim and awarded over \$57,000 for the 20 employees involved.

Local 560 Wins Another Big Back Pay Award

In a separate incident involving an employee of Anchor Motor Freight in Ridgefield, NJ, an agreement between the company and Local 560's Al Vallee produced an award of approximately \$3,000 in back pay.

The employee was a new hire who went on workmen's compensation shortly after starting with the company. When he returned to work, he was let go as an "unqualifed probationary," even though he was on compensation for a period of approximately one year.

Airline Division Beats Pan Am

In Major Court Case



Airline Division Director Bill Genoese has been in the field discussing problems faced by Pan Am workers.

nd

art

as

or-

ıb-

ce

ip-

es

he

to

ft;

ne

er.

eld

er

n-

ng

or

e-

nd

an

in

re n-

th

ed

en

on

ne

ER

he Teamsters Airline Division has won a major victory in a lawsuit by Pan American World Airways (Pan Am) in which the company claimed its Teamsterrepresented employees had given up their right to strike.

The Teamsters represent a broad cross section of 6,100 Pan Am employees—including reservations, passenger service and cargo agents, clerical and accounting employees, stock clerks, and nurses.

After negotiations between the Union and Pan Am reached an impasse, the National Mediation Board released both sides to invoke self-help in February, 1988, under the provisions of the Railway Labor Act.

"The company wanted to force our people out on strike," according to Airline Division Director William F. Genoese. "It imposed a new contract on them which called for 55 give-backs, including an eight percent pay cut."

Workers Fought Company Action

The workers fought back, and the company filed suit against the Union on the ground that intermittent work stoppages were taking place. The company also claimed the Teamsters had forfeited their right to strike—since the Union did not strike immediately after they were released by the National Mediation Board.

Pan Am presented its arguments in U.S. District Court, and the court ruled against the company on all counts.

The airline then appealed to the U.S. Court of Appeals for the second circuit. The appellate court affirmed that the Teamsters still have the right to strike Pan Am at any time, and it held that work stoppages are legal under the self-help section of the Railway Labor Act.

New Contract Proposal Rejected by Members

The company came up with a new contract proposal which would have restored half the eight percent pay cut imposed by management, but the Teamster membership overwhelmingly rejected the proposal at membership meetings throughout the system.

"The offer was totally inadequate," Genoese said. "The workers are strong and united, and they want a fair and equitable contract."

He noted that there are widespread rumors on Wall Street that Pan Am may be taken over by another airline. The Teamsters are demanding full job security for the workers in any merger or acquisition, as well as full protection for their pension plans.

The company has missed a very important point: It will never grow as long as employee morale is at rock bottom because of what Pan Am has done to its marketing and sales people.

The IBT is in contact with all the other unions on the property in order to fight back.

The Union has also told Pan Am Chairman Thomas Plaskett that it wants to have the workers made whole through restoration of all the 55 items which the company took away.

Teamster Drivers Honored



Continental Baking Company of Natick, Massachusetts, recently honored four trailer drivers, members of Teamsters Local 494 in Quincy, MS, for having driven one million plus accident-free miles. (From left): Business Agent Fred Donahue; Secretary-Treasurer Ted Visnick; Local 494 honorees Charles Smith, Bowentura Motta, Louis Besozzi, Paul Virdinlia; General Manager John Stewart; Plant Manager Clark Hamblen; and Transport Supervisor Robert Shanks.

Panama Invasion Latest Assignment

For Globe-Trotting Alaska Teamsters

hortly after U.S. troops invaded Panama in December, 1989, to oust dictator Manuel Noriega, a contingent of Alaska Teamsters was flown to the capital, Panama City, to restore and maintain civilian telephone communications.

Five Anchorage, Alaska, Local 959 members employed by Alascom, the state's long-distance phone company, arrived in Panama City the day after Christmas under military escort. Clad in battle helmets and U.S. Army flak jackets, the Teamsters set up a mobile communication center, while sniper fire echoed around the city.

Over the next 10 days, installers and technicians were taken to locations throughout the city to restore telephone service.

"When the invasion occurred there was a lot of sabotage of the telephone system," said Teamster member Dave Resch, an installer. "The problem was compounded by the fact that most of the civilian telephone employees simply left their posts when the shooting started."

With the country in chaos, the U.S. Army acted quickly to restore communications, even as it continued to battle pockets of Noriega supporters.

While fighting continued sporadically, the Teamsters were not too concerned about their safety, according to Resch. He said the soldiers were "real pros" and went out of their way to protect the Alascom employees.

The soldiers in turn were rewarded by Alascom, who let the guards use the mobile satellite unit to make holiday calls to loved ones back home. "The families couldn't believe they were getting calls from the front lines." Resch said.

Other members of the Panama team included installers Dave Prince and Walt Haskins and technicians



Posing with mobile earth station used in Panama are (from left): Alascom Vice President Lee Wareham, Local 959 members Walt Haskins and David Prince, and Local 959 Secretary-Treasurer Jack Slama.

Jerry Curry and Dave Straight, all members of Teamsters Local 959.

Participation in the Panama invasion was only the latest in a series of adventures for what has become a globe-trotting team of Teamster installers and technicians who are a part of Alascom's rapid-deployment mobile satellite communications squad.

Using specially designed equipment and specially trained employees, the company helped the U.S. Navy recover from devastation left by Hurricane Hugo at Roosevelt Roads Navy Base in Puerto Rico last fall.

The mobile communications unit includes a portable, collapsible satellite dish, portable generator, and ground telephone equipment.

Employees who participate in these remote assignments do so on a voluntary basis. Local 959 Secretary/Treasurer Jack Slama said there are always enough volunteers who enjoy the challenging work.

"Alascom and our members have years of experience providing modern communications to the hundreds of rural villages throughout the state," he said. "Our members are quite good at what they do. We no longer have igloos in Alaska, but if there were one, you can bet it would have a telephone served by Alascom and its Teamsters."

Operating in tropic conditions without fresh food, water, or electricity, Teamster technicians Jerry Curry and Ivan Ossander along with supervisor Bill McLaughlin quickly reestablished communication between the Navy base and the mainland some 900 miles away.

The team maintained the communications link for two weeks while the Navy restored its damaged facilities.

The Department of Defense was so impressed with the Alascom performance that it again called on the company during the Panama invasion.

Alascom and some of its 600 Teamster employees have been involved in two projects that first opened communications with Eastern Siberia and have since established the first and only permanent telephone link between the United States and the Soviet Union.

The historic Provideniya Friendship Flight of 1988, which was the first major diplomatic breakthrough in commercial and cultural exchanges between the U.S. and Russia, was made possible in part by Alascom.

A team arrived in Provideniya in Eastern Siberia the day before the June 13 Friendship Flight to set up a satellite link for the event. When the 80 Alaska Natives, politicians, business executives, and iournalists made their first visit to Siberia, the mobile satellite communication system allowed the event to be covered live throughout the Western World and the Soviet Union.

This past summer Alascom employees returned to Provideniya and established five permanent satellite telephone circuits linking Provideniya and the Magadan Province directly with Alaska.

Team members included installer Walt Haskins, and engineer Joe Abney, both Teamsters, and interpreter Steve Smirnoff.

Telecommunications in Eastern Siberia are not sophisticated, and

it could take half a day or more to communicate with the region prior to the permanent link. Now, placing a call from Anchorage to Provideniya is accomplished as quickly as any local call. This telephone link is considered vital to the developing commercial, cultural, and diplomatic ties between Alaska and the Soviet region.

Lee Wareham, Alascom's vice president for operations, said his company is gaining a worldwide reputation for handling remote and/ or difficult communications assignments. With their state-of-the art equipment and skilled employees, Alascom can go anywhere on a few hours notice and, once there. set up a communications system sometimes within a half hour.



Alascom technicians and installers, in battlefield gear, erect equipment in Panama City. (Clockwise from top): Local 959 members Dave Prince, Dave Resch, Jerry Curry, Dave Straight, and Walt Haskins.

Teamster Member Named to Million Mile Safe Driver Club



Gale L. Schneider (second from right), a Local 298, Laporte, IN, trustee, was recently honored by Mark Gams, Roadway Express terminal manager in Michigan City, Indiana, for joining the ranks of the Million Mile Safe Driver Club. A local cartage driver, Schneider went from August, 1976, to August, 1979, without a preventable accident. He is flanked on his right by Roadway Steward Larry Weisfuss, and on his left by Ken Buhle, president of Local 298.

ıi-

55

as

m

Teamster Profile in Courage

n 1987, then 31-year-old David Briggs, a member of Teamsters Local 916 in Springfield, Illinois, and a labeling machine operator and Teamster bargaining representative at the Carnation Plant in Jacksonville, IL, noticed a lump near the top of his right shoulder. It was near where a small. benign tumor had been removed in 1984. Once again, Briggs, as he did in 1984, made a trip to the doctor, but there was an altogether different diagnosis this time. Briggs was hit with the news that he had cancer which had spread throughout his right shoulder.

Most people would have given up in despair, but not this courageous Teamster. Briggs told his doctors to do what they had to do. In order to get rid of all the cancerous tissue, the surgeon had to remove his right arm and most of his right shoulder, including the shoulder blade. Then began the long months of recovery and a dramatic comeback. His peers at Carnation at first thought that Briggs' oncoming battle would be too great and feared he would be totally and permanently disabled.

At this point Teamsters Local 916 stepped in to help Briggs out in whatever way it could. According to the young Teamster, his "experience seemed to bring all of the workers together, offering their combined and individual support." On one occasion after Briggs' surgery and during his postoperative radiation therapy, there were more than a dozen Teamster coworkers visiting him in his hospital room.

Briggs would need an unusually sophisticated electronic, nervesensitive prosthesis costing \$28,575. Thanks in large part to the efforts of Local 916 President Gary Sullivan, the trustees of the Midwestern Teamsters Health and Welfare Trust Fund gave Briggs' case exceptional consideration and agreed to fully fund the device.



However, Briggs was impatient to get back to work and opted not to wait for the device to be readied and attached; he went back to work four months and one week from the day of surgery. He adjusted, he practiced, and he patiently persisted. He did literally everything possible to rely solely on his left arm. He succeeded. It was a year after the surgery that he got the prosthesis.

He has adapted miraculously and says that "nothing has changed in his performance of his work." Briggs, who states, "Those things which do not kill us, only serve to make us stronger," looks forward to every day as a "brand new experience."

In a recent phone interview with David Briggs, he emphasized that he owes a debt of gratitude to his wife, Lynnellen, and to all his fellow Teamsters from Local 916—especially to Gary Sullivan, Keith Points, recording secretary at the local, and to Jerry Banning, who is a retired business agent from the local who serves currently as a trustee of the Health and Welfare Fund.

Ontario Teamsters' Bargaining Win

arlier this year a three-week strike at Hutton Transport in Ontario Province concluded with major gains in health and welfare and pensions and wages. Over two years of the collective agreement, drivers and laborers had received only a \$1.80 per hour increase in wages, and mechanics, only a \$2.20 per hour increase.

Two hundred and fifteen members of Teamsters Local Union 141 in London, Ontario, and Local 938 in Mississauga, Ontario, at five separate locations, returned to work after ratifying the contract by a 90 percent majority.

The Teamster members of Local 141 and Local 938 who are drivers, mechanics, and laborers, were being asked by the company to make major concessions in wages, benefits, and working conditions.

Hutton Transport, Ltd. is a wholly owned subsidiary of St. Mary's Cement Corporation and moves cement and straight-load commodities throughout Ontario, Quebec, and the northern United States. A great deal of assistance was given by Teamster locals across the Provinces of Ontario and Quebec, as well as by U.S. locals near the border. This collective agreement spells a great deal of success from a combined effort of Teamster brothers and sisters to reach a fair and equitable collective agreement.

Lassie's Mom

Proud To Be

A Teamster

nd

in

gs to

rd

X-

th

at

iis

iis

th

ne

10

m

as



June Lockhart: "The Teamsters are really good guys...I have been very proud to be a member.

ward-winning actress June Lockhart became a Teamster on October 2, 1959.

Lockhart was sworn in as a member, "so she could drive her own car home from the set in Hollywood and not have to wait for a ride," according to a recent newspaper account by reporter Paul Sullivan. At that time, she was becoming well-known in living rooms throughout the U.S. and Canada as Ruth Martin in the TV hit, "Lassie." For her role as Ruth Martin, Lockhart won an Emmy nomination and international acclaim.

Lockhart's role in "Lassie" was followed by three years in "Lost in Space" and two years in "Petticoat Junction." Since then, she has starred in numerous comedic and dramatic TV series, movies for television, and a number of specials.

During Sullivan's interview with Lockhart, the Teamster celebrity stated, "The Teamsters are really good guys, and I have been very proud to be a member of their union all these years."

Canadian Teamsters Launch Protest

lbert T. Marinelli, director of the Construction Division of the Canadian Conference of Teamsters, and who sits on the Canadian Executive Board of the Building and Construction Trades Department, AFL-CIO, recently participated in a "Poster and Flower" protest launched to voice opposition to Bill C-21. This legislation before the House of Commons could cut \$1.3 billion in benefits from the Unemployment Insurance program with potentially disastrous effects on Teamster construction workers in Canada.

November 2nd, 1989, was a sad day for Canadian workers. The protest was held outside the House of Commons. The federal Minister of Employment and Immigration proceeded with the final reading of Bill C-21, an act that will gut the unemployment insurance program and create tremendous hardship for all workers in Canada, especially construction workers.

The unique protest took the form of overwhelming Minister Barbara McDougall with more than 300 floral arrangements in "appreciation of her efforts to destroy the livelihood of construction workers by the massive unemployment insurance cutbacks." Messages such as "She loves me . . . she loves me not . . .; I'm a construction worker on U.I. . . . I guess she loves me not"; or "Roses are red, lilies are white, I just want to thank you for no dinner tonight," accompanied the flowers.

The message was clear: This is a bad bill. The Canadian Conference considers it an attack on the livelihood of Teamster members and on the well-being of all Canadian workers.

Danish Trade Unionists Call on the Teamsters



A delegation of four trade unionists from the National Union of General Workers in Denmark, the largest union in Denmark, visited with Teamster officials in November to discuss technological developments in the transportation industry. (Foreground, from left): International Vice Presidents R.V. Durham and Walter J. Shea speak with (from left): Annelise Hansen, Labor Consultant Tage Hansen, General Secretary Poul O. Jørgensen, and Birgit Jørgensen.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS CHAUFFEURS • WAREHOUSEMEN & HELPERS OF AMERICA

AFL-CIO

25 LOUISIANA AVENUE, N.W. . WASHINGTON, D.C. 20001

OFFICE OF

• JAMES T. GRADY •

GENERAL COUNSEL

(202) 624-6940



MEMORANDUM

To: General President McCarthy

From: James T. Grady, General Counsel

Date: January 31, 1990

Re: Report VIII

I shall comment upon Mr. Lacey's statements following the same order as his Report VIII.

I. The Appeal of the IBT to the Second Court of Appeals is still pending as of this writing. Said Appeal challenges the right of the Election Officer to conduct local union delegate elections under the Consent Order.

II. The IBT will intervene in the January 17, 1990, restraining order case and will join the affiliates who are appealing this matter to the Second Circuit Court of Appeals. As you know, Mr. President, the decision includes a ruling that provides for coverage of all IBT affiliates under the Consent Order. The IBT was not given an opportunity to present its legal position on this point, one on which I know you to have strong views. Hence we will intervene and vigorously appeal this ruling to the higher courts.

III. Mr. Lacey has totally ignored the November 1, 1989, Resolution of the General Executive Board in his decision concerning Mr. Friedman and Mr. Hughes. This was done despite the great weight of legal authority that states a union is the best judge of interpreting its own constitution and that Courts should defer to the union. As a result, the IBT will intervene in the appeal of the case to protect the integrity of the IBT Constitution and the right of the General Executive Board to interpret its own Constitution between conventions as expressly provided in Article IX, Section 1, . . .

... "The General Executive Board shall have the authority to interpret and apply the Constitution and laws of the International Union and to decide all questions of law thereunder subject to appeal to the next Convention" ...

For reasons best known to Mr. Lacey, he has chosen to ignore this provision of our Constitution. We shall appeal this obvious denial of our members' rights under our Constitution.

IV. Mr. Lacey filed Application VIII with the Court. This is in attempt by him to get a Court Order to compel the IBT to print the names and charges filed against our members by the Investigations Officer in our magazine at a point in time before they have had an opportunity to answer the charges. As you know, Mr. President, you successfully fought to insure that any member charged be afforded due process and that a "just cause" standard of industrial justice be applicable to these proceedings under the Consent Order.

Mr. Lacey who is supposed to be impartial as he decides these cases, seeks to compel the IBT to print the names of the persons who, at this point in time, are presumed to be innocent. The burden of proof is upon the Investigations Officer, Mr. Carberry,

to prove their guilt by a preponderance of the evidence. It is incredible that Mr. Lacey, rather than Mr. Cranberry, is seeking to publish their names and destroy their reputations *before* they have their opportunity to assert their innocence in a hearing conducted before himself. Should a charged person be declared innocent, the harm will have been already done and it will be impossible to repair the damage to his or her reputation.

The IBT intends to convince the Court that Application VIII should be denied in the interests of justice and fairness to those who have only been charged and are still presumed to be innocent

V. Apparently as a retaliation to the IBT printing the Court Officers' salaries and expenses each month, the Independent Administrator has included the salaries of the General Executive Board. As you are aware, Mr. President, this information is readily available to our members, is a public record, and regularly appears in the press as an alleged "news" item.

Further, in an apparent effort to make your salary appear larger than it was in 1988, they have "annualized" or doubled it, even though you didn't actually receive half that salary in 1988. (The actual salary in 1988 as General President, as reported, was \$155,317.24.)

Finally, Mr. Lacey has apparently overlooked Article V, Section 1(a) of the Constitution which provides as follows:

"The provisions for compensation and allowances contained in this entire Article shall be in addition to any compensation and allowances which may be received from subordinate bodies."

Thus the delegates to the Convention have expressly and affirmatively approved the policy of members of the General Executive Board to receive salaries from the affiliates that they serve in an official capacity.

In this regard, Mr. President, it would be interesting to learn how much more money the Court Officers receive from their private law practice, outside of and supplemental to their simultaneous employment as appointed Court Officers. The box showing their IBT compensation is only a portion of their total income from all sources, a point I'm sure will not be lost upon our members.

James T. Cray
TEAMSTER

Court Appointed Officers' Report

The following are the salaries and expenses paid to the court appointed officers from IBT funds through January 30, 1990:

I. ADMINISTRATOR	Total	Salary	Expenses	III. ELECTION OFFICER			
Frederick B. Lacey ¹ John J. Cronin, Jr.	\$181,647.74 27,122.89 \$208,770.63	\$174,820.00 26,226.00 \$201,046.00	\$6,827.74 896.89 \$7,724.63	Michael H. Holland ³ Center for Economic Organizing	\$ 90,320.79 25,304.95 \$115,625.74	\$ 75,675.00 25,065.00 \$100,740.00	\$14,645.79 239.95 \$14,885.74
II. INVESTIGATIONS OF	FFICER						
Charles M. Carberry ² Michael Campbell Matthew Devine Robert W. Fischer, Jr.	\$218,063.86 28,623.94 33,041.99 14,699.99	\$202,357.25 28,037.90 31,989.23 14,677.41	\$15,706.61 586.04 1,052.76 22.58	IV. OFFICE SUPPLIES & EXPENSES TOTAL	\$ 1,212.78 \$837,530.99	\$787,285.77	\$ 1,212.78 \$50,245.22
Robert Gaffey Paul D. Kelly Michael Moroney Richard Murray	11,333.33 36,113.45 40,605.56 22,965.66	11,333.33 34,999.98 34,999.98 21,408.32	-0- 1,113.47 5,605.58 1,557.34				<u> </u>
Timothy O'Brien Frances Saurino John Skala Raul Valles Alfred Wilson	11,303.51 20,681.23 28,524.95 14,685.41 31,278.96	11,287.51 20,443.55 28,037.90 14,677.41 31,250.00	16.00 237.68 487.05 8.00 28.96 \$26.422.07*	 Salary of \$104,438.75 and expenses of \$2,774.51 totalling \$107,213.26 have been submitted but not paid. Salary of \$90,549 and expenses of \$7,047.56 totalling \$97,596.56 have been submitted but not paid. Salary of \$75,675.00 and expenses of \$14,645.79 totalling \$52,199.02 have been submitted but not paid. \$8,759.46 in reimbursed expenses to the Investigation Officer's staff submitted but not 			
	\$511,921.84	\$485,499.77	\$26,422.07*	* \$8,759.46 in reimbursed expens paid.	es to the Investigat	ion Officer's staff su	bmitted but not

Monument Dedicated to Labor

Late last year, in Erie, PA, a labor monument was unweiled and dedicated to Erie County workers of the past, present, and future. The monument itself, put together with the assistance, craftmanship, and donations from Teamsters and other active labor unions, is 10' tall, 6' wide, and made from black American granite. On one side of the monument is a list of the 23 labor contributors, including the IBT. On reverse side is a collage of 14 union faces.

ng ey ng ed be

se be

nt nt ve

is

ly

ed

in d,

on

al

eir eir ox cal



Report VIII to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I An Update on the Election Officer's Activities

Consistent with Judge David N. Edelstein's October 18, 1989. Memorandum and Order (See December issue of The International Teamster at page 18), last month the Election Officer distributed a survey form to each IBT Local Union. The survey asked for copies of your Local Union's bylaws, election rules, locations of meeting hall(s), whether your Local has elections scheduled in 1990, and other historic information on Local Union election practices. Your Local Union's principal officer was requested to complete the survey and return it to the office of the Election Officer at the IBT Headquarters in Washington, D.C. As of January 23, 1990—my deadline for submitting material for this February issue of The International Teamster—over one hundred and fifty Locals had returned completed surveys to the Election Officer. In addition, a large number of Local Unions, either through their principal executive officer or through counsel, have communicated with the Election Officer seeking, and receiving, additional time to complete the survey.

I urge those Locals who have yet to return the completed survey to do so as quickly as possible. Questions concerning the survey can be directed to that office at the following numbers:

1-800-828-6496 or 202-624-8778.

Mr. Holland is also in the process of drafting proposed rules governing the nominations and elections of International Union convention delegates and International officers. Although the Election Officer had hoped to distribute these proposed rules in January, given the scope of the project, the Election Officer now anticipates distributing the rules in early February, 1990, to all IBT affiliates and to any other IBT officer or member who requests copies. After the proposed rules are distributed, Mr. Holland will conduct a number of hearings throughout the United States and in Canada. At least one hearing will be held within the geographical boundaries of each IBT Area Conference. Mr. Holland anticipates conducting those hearings, which will seek comments and opinions of IBT officers and members concerning the proposed rules, during mid-March, 1990. Written comments concerning the proposals can be forwarded to the Election Officer at any time in Washington, D.C., up to March 30, 1990. After considering the opinions from the hearings and the written comments, Mr. Holland will issue final rules governing the nominations and elections of International convention delegates and International officers and distribute them to IBT affiliates, officers, and members.

In next month's Report, I will advise you of the times and places of the hearings to be conducted by the Election Officer and provide further information about the proposed rules.

The January 17, 1990, Restraining Order

In my Report VII, I told you about an Order that Judge Edelstein signed on December 19, 1989, temporarily restraining all Locals, Joint Councils, Area Conferences and other entities

affiliated with the IBT from filing or taking any legal action that may impede the work of the Court-appointed officers in any Court other than the United States District Court for the Southern District of New York. On January 17, 1990, Judge Edelstein issued a detailed decision in which he *permanently* enjoined the IBT affiliates from filing such actions. In his decision, Judge Edelstein also ordered the plaintiffs in the lawsuit filed against the Election Officer in Illinois¹ and the plaintiffs in the lawsuit filed against the Investigations Officer in New Jersey² either to dismiss their actions, or agree to transfer them to the United States District Court for the Southern District of New York. I described these two lawsuits in my last Report to you.

I have forwarded a copy of Judge Edelstein's January 17, 1990, Opinion to your leadership and have requested that it be published in this issue of the *International Teamster*. While I realize that the decision is lengthy and discusses some material that you may have already read in one of Judge Edelstein's prior published opinions, I strongly urge you to read the decision in full, as it restates in a comprehensive way the fundamental principles

underlying the Consent Order.

Ш

My Decision on the Disciplinary Charges Brought by the Investigations Officer Against Harold Friedman and Anthony Hughes

As I have informed you in previous Reports, on July 26, 1989, the Investigations Officer, Charles M. Carberry, filed charges against Harold Friedman and Anthony Hughes, pursuant to the power vested in the Investigations Officer by the March 14, 1989, Consent Order. The essence of the charges was that Messrs. Friedman and Hughes brought reproach upon the IBT in violation of Article II, Section 2(a) of the IBT Constitution by placing "ghost employees" on the payrolls of IBT Local 507 and Local 19 of the Bakery, Confectionary and Tobacco Workers International Union, AFL-CIO, and, in Hughes' case, by drawing compensation from Local 19 that was inappropriate for the services performed.

Hearings were conducted, evidence received and arguments were heard on these charges on December 13, 1989, and January 4, 1990. On January 11, 1990, I issued an Opinion, concluding that there was just cause for finding that Messrs. Friedman and Hughes had brought reproach upon the IBT as described in the

charges against them.

While Messrs. Friedman and Hughes submitted evidence by way of mitigation of their wrongdoing, I found that the conduct proved and upon which their conviction was based, was serious

² The New Jersey suit was brought by IBT Joint Council 73 and IBT

Local 641.

¹ The Illinois suit was brought by the following Locals and individuals: Local 301 and Robert Barnes, its President; Local 705 and Daniel C. Ligurotis, its Secretary-Treasurer and Donald Heim, its President; Local 726 and C. S. Spranzo, its Secretary-Treasurer; Local 734 and Robert N. Meidel, its President; and Local 781 and Joseph Bernstein, its President. Mr. Ligurotis subsequently removed himself as a named plaintiff.

but that a period of suspension was appropriate. Accordingly, I imposed upon both Messrs. Friedman and Hughes a suspension of one year. Thus, for a period of one year, they are to remove themselves from all of their IBT-affiliated Union positions³ and draw no money or compensation from those positions or other IBT-affiliated sources.

However, I stayed the commencement of the period of suspension until such time as Judge Edelstein, in exercise of his powers under the Consent Order, has reviewed my findings and holdings, including the penalty imposed, all of which I have submitted to him. Therefore, the period of suspension will not commence unless and until Judge Edelstein so determines, following his review of my ruling. I will of course report to you Judge Edelstein's ruling when he renders his decision.

пy

in

ge

ed

ed

at

ed

es

ng al

a-

ry

15

IV Additional Charges Filed by the Investigations Officer

In my last Report, I informed you that the Investigations Officer had brought charges against 17 Officers and Members (including a Vice-President who sits on the General Executive Board) of the IBT. Since the publication of my last Report, four additional charges have been filed, including a charge against an IBT Local.

Additionally, I also informed you that, except for Messrs. Friedman and Hughes, the IBT has refused to publish in the *International Teamster* the names of those charged, a position I intended to challenge in Court. Recently, I filed an Application with Judge Edelstein asking that he rule on this dispute. In my Application I requested that Judge Edelstein direct the IBT to publish the names of those charged, their Union positions, and the nature of the charges.

Given the fact that the identities of many of the individuals charged have been made part of the public record and have been reported in the public press, I believe that there is no basis for the IBT's refusal to publish that same information in my Reports to you, the IBT membership.

I will keep you posted on the outcome of this Application in my future Reports.

V Salaries of General Executive Board Members

As I have informed you in the past, one of my responsibilities as Independent Administrator is to review "any expenditures or proposed expenditure of International Union Funds. . . ." In this connection, I have undertaken a review of the compensation collected by the members of the General Executive Board.

This review has revealed that nearly every member of the General Executive Board draws multiple salaries and expenses from various positions held at different levels of the IBT structure. I am reviewing this situation further so that I can decide whether this method of compensation is appropriate given the guidelines for the veto of expenditures set forth in the Consent Order. Meantime, in an effort to keep the IBT membership fully informed of my findings to date, I am publishing herein the salaries and expenses, as well as the sources of those salaries and expenses,

³ Mr. Friedman is president of Local 507, a member of the Policy Committee of the Central Conference of Teamsters, President of the Ohio Conference, President of Joint Council 41 and Administrator and Trustee of the Joint Council 41 Severance Plan. Mr. Hughes is the Recording Secretary of Local 507, Trustee of Ohio D.R.I.V.E. and an employee of Joint Council 41.

of each member of the General Executive Board. These figures are based on the most recent data available as of December, 1989, and reflect salaries and expenses collected during 1988.

International Brotherhood of Teamsters General Executive Board 1988 Salaries and Expenses

1300 3a	iaries ariu	LAPCHSCS	
NAME	Salary	Expenses	Total
William J. McCarthy			
General President	\$263,556.52*	\$13,275.74	\$276,832.26
Eastern Conference	5,833.00	708.00	6,541.00
Local 25	36,114.00	9,035.00	45,149.00
TOTAL	305,503.52	23,018.74	328,522.26
	303,303.32	25,010.74	020,022.20
Weldon L. Mathis			
General Secty-Treas	229,984.24	30,695.61	260,679.85
Local 728	20,583.00	-()-	20,583.00
TOTAL	250,567.24	30,695.61	281,262.85
Joseph Trerotola			
1st vice-president	143,740.16	4,967.63	148,707.79
Eastern Conference	63,380.00	4,387.00	67,767.00
Joint Council 16 (Pres)	38,058.00	27,876.00	65,934.00
TOTAL	245,178.16	37,230.63	282,408.79
	210,110.10	01,200.00	202,1000
Joseph W. Morgan	110 510 10	505101	150 501 15
2nd vice-president	143,740.16	7,054.24	150,794.40
Southern Conference	113,434.00	4,040.00	117,474.00
TOTAL	257,174.16	11,094.24	268,268.40
Edward Lawson			
3rd vice-president	116,408.36	17,760.19	134,168.55
Arnie Weinmeister	142 740 16	0.249.27	150 000 50
4th vice-president	143,740.16	9,248.37	152,988.53
Joint Council 28	57,736.00	549.00	58,285.00
Local 117 (sec-treas)	107,512.00	3,304.00	110,816.00
Western Conference	113,908.00	12,631.00	126,539.00
TOTAL	422,896.16	25,732.37	448,628.53
Walter Shea			
5th vice-president	142,327.08	21,130.03	163,457.11
Jack D. Cox			
6th vice-president	63,245.66	18,090.26	81,335.92
Local 572	123,008.00	12,994.00	136,002.00
TOTAL	186,253.66	31,084.26	217,337.92
TOTAL	100,233.00	31,004.20	211,001.02
Don L. West			
7th vice-president	63,245.66	24,102.99	87,348.65
Southern Conference	-0-	4,615.00	4,615.00
Local 612 (Pres)	57,500.00	3,940.00	61,440.00
Joint Council 87	500.00	-0-	500.00
TOTAL	121,245.66	32,657.99	153,903.65
Michael J. Riley			
8th vice-president	63,245.66	11,501.56	74,747.22
Joint Council 42	72,985.00	8,977.00	81,962.00
Western Conference	-0-	1,159.00	1,159.00
Local 986	79,380.00	339.00	79,719.00
TOTAL	215,610.66	21,976.56	237,587.22
T. R. Cozza	62 9 45 66	E 447 40	69 602 06
9th vice-president	63,245.66	5,447.40	68,693.06 4,644.00
Eastern Conference	4,505.00	139.00	
Local 211 (Pres)	68,900.00	4,834.00	73,734.00
Local 211 (Deferred Comp.)	10,600.00	-0-	10,600.00
TOTAL	147,350.66	10,420.40	157,671.06
* (T) . (111111111111111111111111111111111111111	C //	lized 1000

^{*} This figure represents William J. McCarthy's annualized 1988 salary as General President. General President McCarthy was elected on July 15, 1988.

(continued on next page)

General Executive Board 1988 Salaries and Expenses (continued)

Daniel C. Ligurotis	and Empone	(001101	iraca,
10th vice-president	97.189.96	13,133.50	110,323.46
Joint Council 25	31,083.00	2,564.00	33.647.00
Central Conference	-0-	480.00	480.00
Local 705	204,684.82	5,710.92	210,395.74
TOTAL	332,957.78	21,888.42	354,846.20
Europeis W. Ungleatt			
Francis W. Hackett 11th vice-president	26,670.52	3,078.82	29.749.34
Local 25 (Bus Agent)	51.895.00	10,121.00	62,016.00
TOTAL	78,565.52	13,199.82	91.765.34
TOTAL	10,000.02	10,133.02	31,103.34
R. V. Durham			
12th vice-president	85,721.10	18,830.90	104,552.00
Local 391	60,861.00	7,333.00	68,194.00
TOTAL	146,582.10	26,163.90	172,746.00
Mitchel Ledet			
13th vice-president	63,245.66	9,221.84	72,467.50
Southern Conference	-0-	4,615.00	4.615.00
Local 270	82,650.00	6,633.00	89,283.00
TOTAL	145,855.66	20,469.84	166,365.50
0			
George J. Vitale	E0.750.00	12 005 10	CO 007 0F
14th vice-president	50,752.06	13,085.19	63,837.25
Local 283 (Pres)	53,018.00	6,591.00 19.676.19	59,609.00
IOIAL	103,770.06	19,070.19	123,446.25
Gairald F. Kiser			
15th vice-president	55,161.60	62,834.38	117,995.98

VI

In closing, I again urge those Locals which have yet to do so, to complete and return the Election Officer's survey to his office as quickly as possible.

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae 520 Madison Avenue, 30th Floor New York, NY 10022

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland,
Office of the Election Officer for the
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

"Teamsters Have a Special Bond"

or the family of Teamster David Crotts, who died of cancer last November at the age of 39, union "brotherhood" has a very real and very special meaning.

Crotts' widow, Gail, recently sent a letter to the IBT to express her deep appreciation of the support shown to her husband and family during the painful illness, by the members of Local 823 in Joplin, Missouri. "Dave went to work for Yellow Freight System in Baxter Spring, Kansas, in 1972," she wrote, "and was very proud to be a member of the Teamsters Union."

In March, 1989, Mrs. Crotts explained, "Dave was diagnosed with . . . cancer that had spread to many bones. . . . The support given to our family by Dave's fellow 'brothers' will always be in our hearts. As Dave's health started to deteriorate and we

were told he was terminal, because of the monetary generosity of these men I was able to take a leave from my job and stay at home to care for Dave.

"As his body started to shut down," Mrs. Crotts continued, "brothers' came to see him with shop talk and stories of what was going on at work. . . . After six months our benefits started to run out and the 'brothers' kept our insurance paid up, which helped take added worry away from an already difficult time."

The Crotts family expressed their deep gratitude for the Teamsters' concern for Dave in these words: "Their support was always there for him, and he commented so many times about the good of 'the guys.' On November 30, 1989, Dave died at home with his family around him. His long, painful battle

here is over; he's in God's union now. . . .

"Dave was always proud to be a Teamster," Mrs. Crotts recalls, "and had told me many times that 'Teamsters have a special bond and take care of each other.' We will always remember the love and support given to us by the brothers at . . . Local 823 at Joplin, MO."

After receiving the letter from Mrs. Crotts, General President William J. McCarthy sent a message to Local 823 President Gordon Sweeton, commending the members of the local. "The kindness and support that was extended to Brother Crotts and his family," General President McCarthy wrote, "was most praiseworthy. You must be very proud of your members—they are to be commended. Their actions were truly an example of 'brotherhood.'"

Court Orders of Judge Edelstein

United States District Court Southern District of New York

OPINION & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

Appearances: OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Richard Mark, Peter Sprung, Allan N. Taffet, Steven C. Bennett, Assistant United States Attorneys, Randy M. Mastro, Special Assistant United States Attorney, of Counsel, for the United States of America;

ANDERSON, KILL, OLICK & OSHINSKY, New York, New York, Eugene Anderson, Jordan Stanzler, Tracy Makow, of Counsel, for Daniel Ligurotis, Teamster Local 282;

LIPSITZ, GREEN, FAHRINGER, ROLL, SCHULLER & JAMES, Buffalo, New York, William M. Feigenbaum, Richard P. Weisbeck, of Counsel, for Harold Friedman, Teamsters Union Local nos. 264, 375;

BERKMAN, GORDON, MURRAY & PALDA, Cleveland, Ohio, J. Michael Murray, Ann N. Butenhoff, of Counsel, for Warehouse, Manufacturing Processing, Assembling and Installer Employees, Teamster Local no. 507;

WOHLNER KAPLON PHILLIPS VOGEL SHELLEY & YOUNG, Encino, California, Robert D. Vogel, of Counsel, for Teamsters Union Local Nos. 63, 87, 166, 186, 208, 389, 399, 495, 598, 630, 692, 848, 896 and 911;

JOSEPH E. GIROUZ, JR., Buffalo, New York, of counsel, for Truckdrivers Local 449, Joint Council 46, and Teamsters Union Local No. 649;

¹ The following IBT subordinate entities failed to comply with Local Rule 3(a) requiring all attorneys of record not having an office in the Southern or Eastern District of New York to obtain local counsel: Joint Councils: 45; 58; 69; 80; State Conferences: Indiana: Iowa; Locals: 5; 19, 997; 50, 347, 525, 610; 52; 90, 147, 218, 238, 358, 387, 421, 650, 828; 125; 133; 135, 144, 215, 298, 364, 414, 543, 716, 1049, 1070, 2001; 162; 360, 919, 920, 968, 657, 1110, 1111; 284, 413; 317; 367; 379; 398; 408; 492; 570; 574; 577; 641; 671; 745, 988; 749; 863; 1156.

FRIEDMAN & LEVY-WARREN, New York, New York, Jay P. Levy-Warren, of counsel, for Teamsters Union Local No. 707;

CLIMACO, CLIMACO, SEMINATORE, LEFKOWITZ & GAROFOLI CO., L.P.A., Cleveland, Ohio, John R. Climaco, Paul S. Lefkowitz, Jack D. Maistros, Thomas M. Wilson, of counsel, for Teamsters Union Local Nos. 473, 436, 348, 422, 293, 348;

GRADY & DWYER, Boston, Massachusetts, Gerard F. Daley, of counsel, for Joint Council 10 and Teamsters Union Local Nos. 1, 25, 42, 49, 55, 59, 64, 82, 122, 127, 157, 170, 259, 340, 379, 380, 404, 437, 494, 504, 526, 597, 633, 653, 686, 829 and 841;

SLOTNICK & BAKER, New York, New York, Barry Ivan Slotnick, Louis H. Benjamin, Robert L. Tucker, Lori Mann, of counsel, for Teamsters Union Local Nos. 813 and 1034.

SPIVAK, LIPTON, WATANABE & SPIVAL, New York, New York, Franklin K. Moss, of counsel, for Joint Councils 43 and 65, and Teamsters Union Local Nos. 550, 7, 51, 124, 164, 214, 247, 283, 299, 328, 332, 337, 339, 372, 406, 486, 580, 614, 1038, 1620, 2040;

BEESON, TAYER, SILBERT, BODINE & LIVINGS-TON, San Francisco, California, Duane B. Beeson, of counsel, for Joint Councils 7, and 38, and Teamster Union Local Nos. 15, 70, 78, 85, 87, 94, 137, 150, 216, 226, 228, 278, 287, 291, 296, 302, 315, 350, 386, 431, 432, 439, 484, 490, 517, 533, 576, 588, 601, 616, 624, 665, 679, 746, 748, 849, 853, 857, 860, 890, 896, 912, 921;

SHAPIRO, SHIFF, BEILLY, ROSENBERG & FOX, New York, New York, Sidney Fox, of counsel, for Teamsters Union Local No. 202;

PATRICK J. CALIHAN, Chicago, Illinois, of counsel, for Local Teamsters Union No. 727,

ASHER, GITTLER & GREENFIELD, LTD., Chicago, Illinois, Marvin Gittler, Steven J. Feinberg, of counsel, for Teamsters Union Local Nos. 142, 703, 706, 710, 712, 738, 743, 744 and 754,

MARKOWITZ & RICHMAN, Philadelphia, Pa., Richard H. Markowitz, of counsel, Joint Council No. 53, its Affiliated Local Unions, Pennsylvania Conference of Teamsters, and Teamsters Union Local No. 35,

FISHER & FISHER, Brooklyn, New York, Andrew S. Fisher, of counsel, for Teamsters Union Local 237, Sidney L. Meyer, of counsel, for Teamsters Union Local No. 810;

COZZA & STEUER, Cleveland, Ohio, Arlene B. Steuer, John T. Price, of counsel, for Teamsters Union Local 73:

DAVID LEO UELMEN, Milwaukee, Wisconsin, of

counsel, for Joint Council 39 and Teamsters Union Local Nos. 23, 43, 75, 200, 344, 662, 579, 695, 563 and 1081:

CARNEY, BUCKLEY, KASAMEYER & HAYS, Portland, Oregon, Richard R. Carney, of counsel, for Joint Council 37 and Teamsters Union Local Nos. 57, 58, 81, 162, 206, 223, 281, 305, 324 and 962;

IANNUZZI & IANNUZZI, New York, New York, Dominick J. Porto, of counsel, for Teamsters Union Local No. 27.

SIPSER, WEINSTOCK, HARPER & DORN, New York, New York, of counsel, for Joint Council No. 64, Soft Drink Workers Union, Local No. 812,

BAPTISTE & WILDER, Washington, D.C., Robert M. Baptiste, Roland P. Wilder, Jr., Carey R. Butsavage, of counsel, for Joint Council 16, Joint Council 18 and Teamsters Union Local Nos. 182, 858, 687 and 72,

MANNING, RAAB, DEALY & STURM, New York, New York, Ira A. Sturn, of counsel, for Teamsters Local Union No. 210,

BEINS, AXELROD, OSBORNE & MOONEY, Washington, D.C., Hugh J. Beins, Jonathan G. Axelrod, John R. Mooney, of counsel for Joint Council Nos. 9 and 55, and Teamsters Union Local Nos. 28, 61, 71, 86, 391, 33, 67, 246, 639, 730, 922, 1714, and 509,

SWEENEY, GALLO & REICH, Sunnyside, New York, Gerard J. Sweeney, of counsel, for Teamsters Union Local 803,

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, New York, New York, Michael B. Standard, of counsel for Teamsters Union Local 840,

IMMERMAN & PERLMAN, New York, New York, Stanley A. Immerman, of counsel, for Teamsters Union Local 854,

RICHARD M. GREENSPAN, White Plains, New York, of counsel, for Teamsters Union Local No. 522,

RICHARD A. WEINMANN, New York, New York, counsel, for Teamsters Union Local 102,

IRA DROGIN, New York, New York, of counsel, for Teamsters Union Local 295,

NEWMAN & SCHWARTZ, New York, New York, Gustave H. Newman, Richard A. Greenberg, Deborah A. Schwartz, William Shields, of counsel, for Teamsters Union Local 945.

NORMAN ZOLOT, ESQ., Woodbridge, Ct. for Teamsters Union Local 191, 443, 493, 677, 1035, 1150;

ROBERTS, CARROLL, FELDSTEIN & TUCKER, Providence, R.I. Richard Peirce, of Counsel, for Teamsters Union Local 251.

SCHNIEDER, COHEN, SOLOMON, LEDER & MONTALBANO, Cranford, N.J. Zachary Schneider, David

Grossman, of Counsel, for Teamsters Union Local Nos. 11, 153, 418, 462, 680, 560, 617, 701,

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by the United States of America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB") embodied in a consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials, an Independent Administrator to oversee the remedial provisions, an Investigations Officer to bring charges against corrupt IBT officials, and Election Officer [sic] oversee the electoral process leading up to and including the 1991 election for International Officers (the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

These rulings arise in response to three separate motions by the Government asking this Court to issue extraordinary writs by its powers under the All Writs Act, 28 U.S.C. §1651, to enjoin collateral suits filed by IBT members, locals, joint councils, and area conferences (the "subordinate entities")—in sister United States District Courts in other judicial districts—which attempt to litigate matters relating to the Consent Decree. These actions, arising in Chicago, Illinois, Cleveland, Ohio, and Newark, New Jersey, (together, the "collateral lawsuits") involve actions which either seek relief from rulings issued by this Court in relation to the implementation of the Consent Decree or a delineation of a subordinate entity's rights under the Consent Decree.

The Government, in sum, seeks to have this Court enjoin all lawsuits which seek to litigate issues arising under the Consent Decree filed in any forum other than the Southern District of New York. This request would serve the purpose of channeling all such litigation to this forum. The Government also asks this Court to compel the withdrawal of pending collateral lawsuits. The Government further seeks a definitive determination from this Court binding all subordinate entities to the Consent Decree.

This Court has entered and extended a temporary restraining order pursuant to the All Writs Act and Rule 65(b) enjoining any subordinate entity from prosecuting any existing collateral lawsuit or filing any new collateral suit which seeks to adjudicate matters relating to the Consent Decree in any district other than before this Court. This Court has received submissions from almost half of the 700 subordinate entities opposing this injunction and vehemently denying that they are bound by the Consent Decree. Since this injunction is necessary "in aid of" this Court's jurisdiction over a nationwide litigation with unique circumstances, the Government's request for a permanent injunction is granted.

I. The Current Litigation

Since taking effect the Consent Decree has engendered

a flow of dispute and discord between the Government, the IBT, and the Court Officers appointed to the positions the Consent Decree created. Despite the constant undercurrent of displeasure with the Consent Decree by the IBT, the recent actions by subordinate entities seeking independent adjudication of related matters have created an eruption of litigation unprecedented even by the warped standards practiced by the IBT in this case.

A. The Chicago, Cleveland, and New Jersey Suits

ıl

a

t

1-

n

al

of

d

5,

S

g

N

15

t

t

n

d

is

is

nt

y

e

al

e

is

st

e

or

d

The first suit filed was on November 17, 1989 in the United States District Court for the Northern District of Illinois (the "Chicago suit") captioned Chauffeurs, Teamsters & Helpers et. al. v. Michael H. Holland, Election Officer, No. 89 Civ. 8577 (N.D. III.) by a number of Chicago, Illinois area IBT Locals and their officers, (the "Chicago plaintiffs").2 On November 21, 1989, the Government presented and this Court signed an order requiring the Chicago plaintiffs to appear before this Court at a hearing held November 27, 1989 and show cause why (1) an injunction should not be entered by this Court enjoining the Chicago plaintiffs from prosecuting the Chicago suit, and (2) Chicago plaintiff Daniel Ligurotis, a signatory to the Consent Decree, should not be adjudged in contempt of the permanent injunction at ¶E.10 of the Consent Decree obstructing and interfering with the work of the Election Officer (the "Chicago order to show cause").

In sum, the Chicago suit alleges that the actions Election Officer Michael Holland intends to take with regard to supervising the IBT's 1991 election and the initial local elections for delegates to the 1991 Convention have overstepped bounds set by the IBT Constitution. This overall allegation is buttressed by claims that provisions in ¶F.12(D) of the Consent Decree impermissibly amend the IBT Constitution. The Chicago plaintiffs further charge that the Memorandum and Order of this Court dated October 18, 1989 (the "October 18, 1989 Opinion") contravenes the IBT Constitution.

The real gist of the Chicago plaintiffs' allegations is that the Consent Decree and its interpretation in this Court's October 18, 1989 Opinion granted both the International IBT and the GEB too much power to alter the IBT Constitution, and upset the delicate federalism that governs relations between the International IBT and its hundreds of subordinate entities. The Chicago plaintiffs, save Daniel Ligurotis, were uninvolved in the original suit and, they claim, neither explicit signatories nor implicit assentors to the Consent Decree. The Chicago plaintiffs sought a declaratory judgment immunizing themselves from submitting to the strictures of the Consent Decree, namely electoral reform resulting in democratic secret ballot elections.

The Chicago order to show cause required all parties to the Chicago suit to appear at a hearing on November

27, 1989. On November 27, 1989, Counsel for Ligurotis appeared, and the other plaintiffs in the Chicago suit defaulted. On November 27, 1989, this Court issued a preliminary injunction pursuant to its inherent power under the All Writs Act enjoining all of the plaintiffs in the Chicago suit from taking any further actions in connection with that suit except filing a notice of voluntary dismissal pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure or responding to motions made by the defendant in the Chicago suit. On November 29, 1989, the Chicago plaintiffs filed an amended complaint which dropped Consent Decree signatory Daniel Ligurotis as a plaintiff, and withdrew counts with connections to the Southern District of New York.

On December 8, 1989, this Court held a factual hearing on the contempt portion of the Chicago order to show cause. At that hearing, Chicago plaintiff Daniel Ligurotis was required to refute testamentary and affidavit evidence offered by the Government as to why his involvement as a Chicago plaintiff would not constitute civil contempt in violation of the permanent injunction located at ¶E.10 of the Consent Decree against interference with the work of the Court Officers.

In a Memorandum & Opinion dated December 12, 1989 (the "December 12, 1989 Opinion"), this Court deemed Daniel Ligurotis in civil contempt, and further found Ligurotis had the ability to cause the withdrawal of the Chicago suit by virtue of his leadership positions in the IBT and uncontroverted testimony. December 12, 1989 Opinion at 12–15. This Court then sanctioned Ligurotis (1) for the reasonable costs that the Government and Court Officers incurred responding to the Chicago suit, and (2) an amount set at \$125 on Friday, December 15, 1989, and doubling daily until the withdrawal of the entire Chicago suit with prejudice, but not to exceed \$512,000. Ligurotis subsequently appealed the contempt finding and penalty to the Court of Appeals, which stayed the penalties and granted an expedited appeal.

The second action really encompassed two separate happenings in Cleveland, Ohio (together, the "Cleveland actions"). The first of these involved a new suit filed by IBT Local 507 of Cleveland Ohio, on December 1, 1989, 89 Civ. 2338, captioned Warehouse, Manufacturing, Processing, Assembling & Installer Employees Local 507 v. International Brotherhood of Teamsters, et. al., before Judge Aldrich of the Northern District of Ohio (the "Cleveland suit"). The Cleveland suit named as defendants the Independent Administrator, the Investigations Officer, and the International headquarters and leadership of the IBT (the "International IBT") and asks for declaratory and injunctive relief to halt what Local 507 alleged were breaches of the IBT Constitution, its contract with the International IBT.

The second action involved Local 507 President and Consent Decree Signee Harold Friedman. Friedman filed a motion before the [sic] Judge White of the Northern District of Ohio—who sentenced Friedman in his criminal conviction in United States v. Friedman, 86 Cr. 114 (N.D. Oh.)—for an order preventing the Independent Administrator from hearing charges against Friedman (the "Cleveland motion"). Friedman presented the motion as an order to show cause why a temporary restraining order should

² The full roster of plaintiffs in the Chicago Suit includes the following IBT locals and Individuals; IBT Local 301 and its president, Robert Barnes; IBT Local 705, its Secretary-Treasurer Daniel C. Ligurotis and its President Donald Heim; IBT Local 726 and is Secretary-Treasurer C. S. Spranzo; IBT Local 734 and its President Robert N. Meidel; and IBT Local 781 and its President Joseph Bernstein.

not be issued obligating the Court Officers to abide by the stay of his sentence issued by Judge White while his appeal to the United States Court of Appeals for the Sixth Circuit pends.

On December 6, 1989, the Government presented this Court with an order directing Local 507 and Friedman to show cause why an order should not be entered (1) preventing any further action in the Cleveland suit and the Cleveland motion, and (2) holding Friedman in contempt of court (the "Cleveland order to show cause"). In addition, a temporary restraining order was sought enjoining Local 507 from taking any further action in the Cleveland suit, and preventing Friedman from taking any further action in connection with the Cleveland motion. At 4:15 p.m. on December 6, 1989, while considering the Cleveland order to show cause, this Court was informed that Local 507 had submitted its own motion for a temporary restraining order to Judge Aldrich in Cleveland. Upon this Court's signing of the Cleveland order to show cause and temporary restraining order, Judge Aldrich returned Local 507's order unsigned. On December 7. 1989, this Court issued a further order commanding Friedman to withdraw the Cleveland motion.

Summarily, the Cleveland actions sought relief for the President of Local 507, Harold Friedman, and its recording secretary, Anthony Hughes ("Friedman and Hughes") from facing charges filed by the Investigations Officer that would remove them from their positions as leaders of Local 507. The Cleveland suit charged that the Consent Decree and its subsequent interpretations that allow the Court Officers to pursue removal of Friedman and Hughes represented a breach of the contract between Local 507 and the International IBT, namely the IBT Constitution. The Cleveland motion more obviously sought to expand the stay issued in the criminal case and prevent any action which might result in Friedman's removal.

A hearing was held on Friday, December 8, 1989, to determine whether the temporary restraining order entered on December 6, 1989 should be continued as a preliminary injunction. Both Local 507 and Friedman appeared at the December 8, 1989 hearing to object to entering further injunctions. After listening to argument from Local 507, Friedman, and the Government, this Court let stand the temporary restraining orders in place pending the submission of further papers. Local 507 and Friedman were to submit memoranda by Monday, December 11, 1989, and the Government response papers by Wednesday, December 13, 1989. A further hearing on the temporary restraining orders and a factual hearing on the alleged contumacious conduct of Friedman was to be held on Friday, December 15, 1989. After the December 11, 1989 hearing, Friedman withdrew his motion before the Judge White.

At the factual portion of the December 15, 1989 hearing, the Government presented documentary evidence and the testimony of Harold Friedman to support its contention that Mr. Friedman was in contempt, and had the power to cause the withdrawal of the Cleveland suit and motion. The December 15, 1989 hearing was adjourned until December 20, 1989 in order that Friedman and Local 507 would produce records that might support the Government's contentions.

On December 20, 1989, the contempt hearing resumed with Friedman again testifying as to his role in the Cleveland suit, the remaining Cleveland action. After lengthy and emotional testimony by Friedman about his leadership positions in the Ohio subdivisions of the IBT and his role in the filing of the Cleveland actions, this Court granted Friedman a one-week period to cause the withdrawal of the Cleveland suit, and to comply with the Government's request to produce additional records of Local 507. On December 22, 1989 this Court was notified that the Cleveland suit had been withdrawn and presented with copies of the dismissal without prejudice. The Government withdrew its discovery requests.

The third suit filed was brought on December 8, 1989 by Joint Council 73³ and Local 641 before Judge Ackerman in the District of New Jersey (the "New Jersey suit"). Styled Joint Council 73 et al. v. International Brotherhood of Teamsters and Charles Carberry, Investigations Officer 89 Civ. 5094 (D.N.J.), the New Jersey suit challenges the authority of Investigations Officer Carberry to examine the books and records of Joint Council 73 and Local 641.⁴ The plaintiffs ask the New Jersey court to declare invalid ¶12(C)(i)(a) of the Consent Decree, which authorizes the Investigations Officer to examine the books and records of IBT subordinate entities.

Three other IBT locals which also received the same production request informed the Investigations Officer that for the moment they would voluntarily comply with the examination request, but reserved the right to object to these requests at a future time. Two of the Locals, 617 and 863, are located in New Jersey and members of Joint Council 73. The remaining objector, Local 283, has members from Detroit, Michigan and vicinity and is part of Joint Council 43, which encompasses Michigan Locals.

In response to the three active collateral suits and the threatened legal action from three other subordinate IBT entities, the Government asked this Court to issue an injunction nationwide in scope banning all collateral lawsuits and ordering that all such actions be brought before this Court.

B. The Nationwide Order to Show Cause

On December 15, 1989, the Government presented and this Court signed an order requiring all subordinate IBT entities—over 700 in number—to show cause why an injunction should not be entered under the power conferred upon this Court by the All Writs Act preventing them from filing any suit seeking to adjudicate matters relating to the Consent Decree anywhere except before this Court (the "nationwide order to show cause"). The Government also requested, and this Court entered a temporary restraining order pursuant to the All Writs Act and Rule 65(b) of the Federal Rules of Civil Procedure

³ Joint Council 73 is the intermediate IBT entity which encompasses Locals from the northern New Jersey area. Local 641 is a member of Joint Council 73.

⁴ Investigations Officer Carberry sent letters dated December 4, 1989 to a number of Locals affiliated with Joint Council 73 seeking to examine personnel files, contracts, leases, membership records, correspondence, letters, memoranda, calendars, diaries, and rolodex and other records of "frequently used" telephone numbers from a three year period. The New Jersey suit was filed on December 8, 1989.

preventing the IBT or any subordinate entity from initiating or prosecuting lawsuits which raise issues relating to the implementation of the Consent Decree (the "nationwide TRO"). The overall purpose of these actions (collectively, the "nationwide injunction") was to preserve the status quo pending full consideration of the propriety of collateral lawsuits in other jurisdictions arising under the Consent Decree.⁵

ed

er

nis

3T

nis

he

he

of

ed

ed

V-

89

an

od

er

he

ne

lid

he

ds

ne

er

th

ct

17

nt as

ırt Is.

he

3T

an

ral

ht

nd

3T

an

n-

ng

rs

re

he

ct

re

ses

89

ne

ce,

ew

ER

The nationwide order to show cause served over 700 locals, joint conferences, and area conferences by overnight mail and determined that receipt of the Government's moving papers by 5:00 p.m. on December 19, 1989 by a subordinate entity constituted valid service. The order further required subordinate entities to submit papers by 5:00 p.m. on December 26, 1989. The Government would submit response papers by 5:00 p.m. on December 29, 1989. The matter would be deemed fully submitted on January 2, 1990, when the ten-day nationwide TRO would expire.

A tremendous number of the IBT subordinate entities responded to the nationwide order to show cause and filed papers on December 26. This court received over 70 briefs from subordinate entities representing at least 282 out of the 651 Locals, 20 of the 44 Joint Councils, and two state conferences. Upon request of the Government this Court found good cause to extend the nationwide TRO an additional ten day period because of this overwhelming response, and on January 2, 1990 entered an order continuing the nationwide TRO until January 17, 1990.

II. The Autumn of Discontent

These latest installments in the ongoing saga to implement the Consent Decree trace their roots to the conflict between the IBT and Government and the Court Officers over the Consent Decree. These disputes generally involve contentions over the scope of the duties of the Court Officers, or to what extent Consent Decree binds the myriad parts of the vast organizational structure that is the IBT.

The first major dispute related to the duties of the Election Officer, Michael Holland. This issue was raised in Application II, which the Independent Administrator filed with this Court on September 29, 1989. This disagreement over the interpretation of ¶12(D) of the Consent Decree resulted in a hearing on October 13, 1989 and was settled by the October 18, 1989 Memorandum and Order

of this Court, 723 F. Supp. 202 (S.D.N.Y. 1989) (Edelstein, J.).⁶ The discord centered around the interpretations of the word "supervise" and the phrase "1991 election."

At the October 13 hearing, the IBT advocated narrow interpretations of ¶12(D), arguing first that the phrase "1991 election" limited the Election Officer's duties only to the ballots for International Officers at the 1991 IBT Convention, and not the nominating process involving local IBT elections unless sought. Further, the IBT asked that "supervise" be interpreted to limit the Election Officer to an observer status with no authority to intrude on elections of the locals. The Government and the Court Officers offered an interpretation of ¶12(D) which envisioned the Election Officer involved in all phases of the 1991 election, and saw "supervise" as empowering the Election Officer to take an affirmative and proactive role in all facets of the 1991 election, including the local elections to elect delegates to the 1991 IBT Convention.

The October 18, 1989 Opinion of this Court endorsed the affirmative and active interpretations of ¶12(D) of the Consent Decree, finding that the parties intended expansive meanings for both "supervise" and "1991 election." Taken together, these interpretations empower the Election Officer to make meaningful reforms to the IBT electoral process.9

This interpretation of ¶12(D) has been vigorously opposed by the IBT. On October 27, 1989, the IBT moved this Court seeking (1) certification of the questions decided in the October 18, 1989 Opinion, and (2) a stay of those rulings pending appeal. On November 6, 1989, this Court

⁶ The full text of the relevant portion of ¶12(D) reads as follows:

[&]quot;The Election Officer shall supervise the IBT election described above to be conducted in 1991 and any special IBT elections that occur prior to the IBT elections to be conducted in 1991. In advance of each election, the Election Officer shall have the right to distribute materials about the election to the IBT membership. The Election officer shall supervise the balloting process and certify the election results for each of these elections as promptly as possible after the balloting."

Consent Decree, paragraph F.12(D)(ix) at 15–16.

The October 18 Opinion held as follows:

[&]quot;... I find that the specific language of paragraph 12(D) [of the Consent Decree], taken together with the spirit and intent of the Consent Decree, requires that the term 'supervise' be interpreted in its most expansive and proactive meaning." 723 F. Supp. at 206.

8 The October 18 Opinion held:

[&]quot;I find that the term "1991 election" as written in paragraph 12(D) [of the Consent Decree] was intended to encompass the entire electoral process which will culminate in the 1991 election for International Officers. The parties to the Consent Decree intended for the Election Officer to oversee every prelude leading up to and including the final election for International Officers."

⁷²³ F. Supp. at 207.

9 The October 18 Opinion determined the Elections Officers specific

duties to include:

"... the right to promulgate electoral rules and procedures for th

[&]quot;... the right to promulgate electoral rules and procedures for the IBT nomination and election, to conduct an educational program aimed at the IBT membership, to actively supervise, direct, and oversee the campaigning of candidates, to institute absentee voting procedures, and certify all elections.

^{...} it is within the scope of the duties of Election Officer to take any further reasonable actions necessary to carry out his duties as the Election Officer and ensure fair elections for the IBT membership." 723 F. Supp. at 207.

⁵ The full language of the nationwide TRO as signed by this Court reads as follows:

[&]quot;ORDERED that in order to preserve the status quo pending the Court's decision on the Government's motion, and pursuant to the All Writs Act, 28 U.S.C. §1651, and Rule 65(c) of the Federal Rules of Civil Procedure, the plaintiffs in the aforesaid New Jersey lawsuit, as well as all other local unions, joint councils, area conferences, and other entities affiliated with the IBT are hereby temporarily restrained and enjoined from filing or taking any legal action that challenges, impedes, seeks review of or relief from, or seeks to prevent or delay any act of any of the court officers appointed by this Court pursuant to the Consent Order in this action, in any court or forum in any jurisdiction except this Court;"

Nationwide TRO, entered December 15, 1989.

issued an Order (the "November 6, 1989 Order") denying the IBT's motion for certification of these questions and refused to stay that decision. The IBT appealed to the Court of Appeals for the Second Circuit, where argument was held on December 12, 1989. On December 13, 1989 the Second Circuit dismissed the IBT's motions for appeals, granting the Government's motions to dismiss the IBT's appeals.

A further matter was raised at the October 13, 1989 hearing, where Friedman and Hughes jointly and separately moved this Court to prevent the Independent Administrator from hearing charges filed against them by the Investigations Officer. On October 16, 1989, this Court held a hearing on this injunction (the "October 16, 1989 hearing").

Friedman and Hughes argued, among other things, the unfairness of the Investigations Officer filing charges against them for conduct which formed the basis for their criminal convictions on labor racketeering charges in the case of <u>United States v. Friedman, et. al.</u> in the Northern District of Ohio. Friedman and Hughes maintained that they could not be prosecuted because the IBT Constitution barred bringing charges for conduct that happened prior to their current elective term if it was "known generally" to the membership. Further, Hughes claimed, that since he was neither a party to the original suit nor a signatory of the Consent Decree, he was not bound by its changes to the IBT Constitution or any other of its provisions.

This Court found that the Independent Administrator could proceed with hearing the charges brought by the Investigations Officer. In a Memorandum & Order dated November 2, 1989 (the "November 2, 1989 Opinion"), this Court distinguished between allegations and conduct "known generally" to the membership. The November 2, 1989 Opinion further found that Hughes, even as a nonsignatory to the Consent Decree was bound by it. The litigation posture of the IBT—whose whole purpose is to represent and protect its members-was to doggedly protect its members [sic] interests both during the active suit and in implementing the Consent Decree, and all parties intended that all IBT International Officer [sic], Locals, and rank and file be bound by the Consent Decree. Friedman and Hughes subsequently appealed the November 2 Opinion to the Court of Appeals for the Second Circuit. The Second Circuit preserved their right to appeal the outcomes of their hearings.10

Relations between the Court Officers and the IBT began in a spirit of hoped-for cooperation and unity of purpose, but as the months passed these interactions became increasingly bitter. The first disputes centered around disputes over office space and funding that the IBT would provide to the Court Officers. Simmering tensions flared

up in a series of events which followed the machinations involving Friedman and Hughes.

On November 1, 1989 the Independent Administrator filed Application V, where he charged that the IBT failed to notify him of two meetings of the GEB, occurring October 16–18 at Grenelefe, Florida, and a special meeting on November 1, 1989 in Washington, D.C., as required under ¶¶F.12(C)(b) and F.12(C)(e)(iii) of the Consent Decree, and asked they be sanctioned. At a hearing held on November 13, 1989, the IBT replied they believed the Independent Administrator had constructive knowledge of the October 16–18 regular quarterly meeting, and that the November 1 special meeting involved privileged communications discussing litigation strategy for this case. ¹¹ At that hearing, the Independent Administrator informed the IBT he wished to receive agendas for all GEB meetings in 1990.

In an Order of this Court dated November 16, 1989 (the "November 16, 1989 Order") the IBT was asked to submit further memoranda and affidavits on November 20, 1989 for in-camera review in order to evaluate their privilege claim. At a further hearing held on November 22, 1989, this Court redirected the IBT to resubmit a properly prepared and more detailed affidavit and to disclose their memorandum in support of privilege. On November 28, 1989, I received the further submissions from the IBT whose sufficiency was also a matter considered at the December 6, 1989 hearing. At that hearing, the IBT was directed to submit further, more detailed papers on this matter.

On November 3, 1989, I received Application VI from the Independent Administrator, which asked this Court to review the decision of the IBT to alter the publication schedule of the *International Teamster* magazine from monthly to quarterly, which was also considered at the November 13, 1989 hearing as contravening the spirit of ¶F.12(E) of the Consent Decree. In the November 16, 1989 Order, this Court interpreted ¶F.12(E) as assuming that the Independent Administrator would have monthly communications with the IBT membership, and that he should have monthly communications by mail if the magazine's publication were interrupted. Further, this Court ordered that the IBT make all rulings of this Court available to the rank and file, either in the <u>International</u> Teamster, or by direct mail.

Against this background of discord and discontent come the collateral lawsuits in Chicago, Cleveland and New Jersey culminating in the nationwide injunction. This Court has entered injunctions pursuant to the authority vested in this Court by the extraordinary power under the All Writs Act. Despite the voluminous submissions and extraordinary methods employed to confront the situation that had developed over the last two months, the real gist of the issues before this Court is quite simple. The subordinate entities oppose the provisions of the Consent Decree, and through these collateral lawsuits, seek to

¹⁰ Friedman and Hughes both applied to this Court for stays of the rulings in the November 2, 1989 Opinion. Their motions to stay were denied by this Court. On December 12, 1989, the Court of Appeals for the Second Circuit granted Friedman and Hughes expedited appeals of the November 2, 1989 Opinion, but denied them a stay of the Independent Administrator's hearing pending the outcome of their appeals of their criminal convictions to the Court of Appeals for the Sixth Circuit. The Independent Administrator subsequently held the disciplinary hearings, and on January 12, 1990, presented this Court with Application VII. Application VII decides the prosecutions against Friedman and Hughes.

¹¹ The subject matter of the November 1 special meeting itself may become the subject of further litigation. At that meeting, the GEB reinterpreted the provisions in the IBT Constitution under which the Investigations Officer brought charges against Friedman and Hughes.

escape its provisions, or its interpretations by this Court. The Government wishes to bind all the subordinate entities to the reforms embodied in the Consent Decree, and to repulse what it believes are dispersed attacks designed to undermine the viability of the Consent Decree.

III. Authority to Issue the Injunctions

In the order to show cause, the Government asked this Court to issue injunctions requiring that all suits pertaining to the consent Decree be filed before this Court. These injunctions also enjoin plaintiffs from prosecuting or instituting suits in sister federal tribunals. A review of the relevant law reveals that this Court has the authority to take this action.

A. The All Writs Act

ns

or

ed

ng

ng

ed

nt

:ld

he

of

at

n-

ed

gs

he

nit

89

ge

9,

·ly

eir

8,

3T

he

as

iis

m

ırt

on

m

ne

of

6,

ng

ly

ne

ne

iis

rt

al

1e

W

iis

ty

ne

nd

on

st

10

nt

to

EB

he

ER

The Government submitted that this Court has the power to issue extraordinary writs under the All Writs Act. That statute reads as follows:

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to 28 U.S.C. §1651(a).

The broad language of the All Writs Act has been supplemented by case law which outlines the appropriate situations for issuing injunctions that bar parties from litigating suits before other tribunals. In this Circuit, Courts interpreting the scope of this power under the All Writs Act look to that act, and also by analogy to circumstances involving the Anti-Injunction Act, 28 U.S.C. §2283, which prevents Federal Courts from issuing injunctions barring proceedings in state tribunals except "when necessary in aid of jurisdictions." In re Baldwin-United Corporation, 770 F.2d 328, 335 (2d Cir. 1985).

Circumstances where inter-court injunctions under the All Writs Act are appropriate include (1) enjoining state actions when necessary to prevent relitigation of an existing federal judgment; Id., see United States v. New York Telephone, 434 U.S. 159, 172 (1977); (2) preventing a state court from interfering with a federal court's consideration or disposition of a case so "as to seriously impair the federal court's flexibility and authority to decide that case" Baldwin-United, supra, 770 F.2d at 335, quoting Atlantic Coast Line R.R. Co. v. Brotherhood of Locomotive Engineers, 398 U.S. 281, 295 (1970); (3) enjoining a state court seeking to entertain an action over the same res; and in an in rem action, when the parallel state action will defeat the already attached jurisdiction of the federal court. Baldwin-United, supra, 770 F.2d at 336; see Kline v. Burke Construction Co., 260 U.S. 226, 230 (1922); Cf. Vendo Co. v. Lektro-Vend. Corp., 433 U.S. 623, 642 (1977); (4) enjoining repeated, baseless, vexatious litigation by the same plaintiff in a federal court, Safir v. United States Lines, Inc., 792 F.2d 19, 23–24 (2d Cir. 1986); and (5) in certain actions involving parallel actions in foreign courts, see Laker Airways v. Sabena, Belgian World Airways, 731 F.2d 909, 926-34 (D.C. Cir. 1984).

In addition to those general circumstances, under the All Writs Act courts may issue injunctions to enjoin other proceedings when the unique character of the litigation requires that relief be determined "flexibly." New York

Telephone, supra, 434 U.S. at 173. A federal court has the power "to issue commands under the All Writs Act as may be necessary or appropriate to effectuate and prevent the frustration of orders it has previously issued in the exercise of jurisdiction otherwise obtained." Id. at 174. The All Writs Act also grants courts the authority to bind nonparties to an action "when needed to preserve the Court's ability to reach or enforce its decision in a case over which it has proper jurisdiction." Baldwin-United, supra, 770 F.2d at 338; see New York Telephone, supra, 434 U.S. at 172, cf. Vuitton et Fils S.A. v. Carousel Handbags, 592 F.2d 126, 129 n.6 (2d Cir. 1979) (discussion in dicta).

The existing authority on injunctions under the All Writs Act indicates that a federal court, under special circumstances, has the power to enjoin a parallel proceeding. In addition, a federal court may invoke the All Writs Act to bring before it parties whom it otherwise does not have personal jurisdiction over. The special circumstances of this IBT litigation warrant this Court's exercising its powers under the All Writs Act and enjoining the subordinate entities from litigating matters pertinent to the Consent Decree in any other form.

1. Jurisdictional Basis of this Court over the Suit and the Parties

A threshold question is to establish the independent jurisdictional basis of this Court over all litigation which relates to the Consent Decree. Paragraph K.16 of the Consent Decree vests this Court with just such jurisdiction. That provisions reads:

This Court shall retain jurisdiction to supervise the activities of the Administrator and to entertain any future applications by the Independent Administrator or the parties. This Court shall have exclusive jurisdiction to decide any and all issues relating to the Administrator's actions or authority pursuant to this order."

Consent Decree at 25.

Paragraph K.16 establishes the procedure that all matters relating to the administration of the Consent Decree are to be reviewed by this Court upon an Application, a procedural device settled upon by the parties. The Independent Administrator is authorized to make Applications on behalf of the Election Officer and the Investigations Officer. Paragraph K.16 of the Consent Decree permits other parties to file Applications to the Court as well.

Some subordinate entities have argued that ¶K.16 vests this Court with exclusive jurisdiction over the actions of the Independent Administrator, but not the two other Court Officers, the Election Officer or the Investigations Officer. As an example, proponents of this argument point out that since the Chicago suit challenges actions of the Election Officer, it does not directly involve the Independent Administrator and may be brought in the tribunal

¹² Applications regarding the administration or interpretation of the Consent Decree must be differentiated from appeals of disciplinary decisions or decisions of trusteeship by the Independent Administrator. Paragraph F.12(A) provides for appeals of these actions to this Court within 14 days of the Administrator's decision. Consent Decree at 7–10.

of the plaintiff's choice. The New Jersey suit similarly involves discovery requests by the Investigations Officer.

Such an argument completely ignores the structure of the Consent Decree and its organization of the duties of the Court Officers. The Consent Decree calls for the Independent Administrator to oversee and coordinate actions of the other Court Officers. As a practical matter, any activities undertaken by the Election or Investigations Officers involve the Independent Administrator. In overseeing the Consent Decree, this Court would has [sic] no formal contact with the activities of the Court Officers other than through Reports or Applications by the Independent Administrator.

As an example, the complaint in the Chicago suit seeks relief from the October 18, 1989 Opinion of this Court, which was issued in response to proceedings initiated by Application II by the Independent Administrator. The Independent Administrator filed Application II after a request by the Election Officer. The original basis of the dispute over the scope of the duties of the Election Officer was properly brought before this Court in accordance with the procedure spelled out for seeking review or deciding questions that arise in the course of the implementation of the Consent Decree.

I find that to the extent that any party finds ¶K.16 unclear, that provision vests this Court with exclusive jurisdiction to determine matters concerning the activities of all the Court Officers, as they are brought before this Court by the procedures spelled out in the Consent Decree. The parties to the Consent Decree plainly anticipated the very circumstances which the collateral lawsuits now highlight: Disputes relating to the implementation of the Consent Decree should be brought before a singular tribunal—this Court. The parties intended that all judicial oversight of the Consent Decree be concentrated in one tribunal for efficiency and consistency.

To interpret the Consent Decree as vesting this Court with a jurisdictional nexus over any and all matters to the implementation of the Consent Decree in no way impedes the power of sister federal courts in other districts to hear cases properly before them involving the IBT or its subordinate entities. No ruling of this Court even intimates that this Court has jurisdiction over all litigation involving the International IBT or its hundreds of subordinate entities. For example, should a subordinate entity bring an action in any federal district court for breach of a food service contract involving their Christmas party, this Court would have absolutely no power or interest in enjoining such litigation.

2. Special Circumstances Surrounding the IBT Litigation

To be sure, the litigation before this Court now embodied in the Consent Decree is an unusual case which was concluded by a unique settlement. To this end, existing law and the situations where similar actions have been taken are helpful by analogy, but the unprecedented circumstances surrounding the parties before this Court warrant special consideration.

The Government initiated the RICO suit against the IBT in its totality and the GEB individually. On the eve

of trial, the parties settled the suit and entered into the Consent Decree. As stated earlier, the Consent Decree sought to institute real electoral reform into a union not known for its democratic nature, and rid the IBT of the hideous influence of organized crime, whose taint has tarnished the IBT for decades. To this end, the Consent Decree called for the creation of three Court Officers; the Election Officer to pursue democratic elections, the Investigations Officer to bring charges, and the Independent Administrator, who would oversee the whole process and scrutinize the IBT's actions. Importantly, the Consent Decree called for the IBT to pay for the work of the Court Officers. Finally, the Consent Decree is to run for a period of three years, ceasing after the IBT's 1991 elections for International Officers.

As the Consent Decree went into effect this spring, the Government and the IBT expected to implement its reforms in a spirit of cooperation and a unity of purpose. Unfortunately, the honeymoon ended by August, and the IBT and the Court Officers began sinking into a confrontational posture. As cooperation ebbed and obstreperousness mounted, the Court Officers and the IBT began seeking refuge in this Court. First over funding matters, and then over increasingly larger issues, the day-to-day implementation of the Consent Decree became mired in a morass of accusations, venomous correspondence, Applications, hearings, and ultimately, decisions by this Court, and the inevitable appeals. The specific litigation postures were outlined in \$II of this opinion.

This litigation has already consumed a great deal of time, expense, and energy from the Government, the IBT, and this Court, all in the hope that these resources have gone to achieve a better IBT for its members. This litigation is a unique attempt to reform the IBT, and such a situation warrants exercising this Court's extraordinary powers under the All Writs Act.

B. Viability of the Injunctions

Both existing authority and the specific needs of this litigation support the issuance of an injunction barring suits in any forum other than this Court. The nature of the Consent Decree—a nationwide remedial scheme intended to promote electoral reform and root out the influence of organized crime in the nation's largest labor union—seems to be a special circumstance of the magnitude that warrant courts issuing injunctions of this type.

The Government contends that this situation is analogous to those in <u>Baldwin-United</u>, and <u>Yonkers Racing Corp. v. City of Yonkers</u>, 858 F.2d 855 (2d Cir. 1988), two recent instances where courts in this Circuit have issued anti-suit injunctions under the All Writs Act. Many of the subordinate entities distinguish these two cases, and urge this Court to view the Government's petition with restraint, since, they claim, no authority supports this injunction. Further, some subordinate entities offer authority that they claim precludes this Court from taking this step. A detailed examination reveals that <u>Baldwin-United</u> and <u>Yonkers</u> present persuasive precedents, and the arguments of the subordinate entities are unconvincing.

In re Baldwin-United Corporation, supra, involved multidistrict litigation to recover monies from broker-dealers who traded in the securities of the bankrupt Baldwin-United Corporation or its subsidiaries. The action consolidated over 100 securities lawsuits involving some 100,000 holders of Baldwin-United annuities against 26 brokerdealers. Baldwin-United, supra, 770 F.2d at 331. As the extensive litigation wore on, the district court arrived at a settlement between the majority of broker-dealers and plaintiffs, who had been certified as a class for settlement purposes. Some states sought to pursue separate state remedies, and twenty two states opposed the district court's settlement as inadequate. The New York Attorney General then notified the defendants that it intended to file suit in state court. The defendants then moved for, and the district court issued an injunction enjoining any states from bringing actions seeking additional relief for any plaintiff in any forum, which was affirmed on appeal.¹³ The injunction was prospective, and banned all future suits based on one actual suit.

ne

ee.

ot

ne

as

nt

ne

7-

nt

nd

nt

bd

or

ne

r-

al

g

55

e

e

is

g

1-

e

r

g

d

e

d

The Second Circuit found that the injunction was necessary for the district court to preserve its jurisdiction and protect its judgments, especially in a consolidated federal action. Repetitive suits would subvert years of work and subject the defendants to "multiple and harassing actions." <u>Baldwin-United</u>, <u>supra</u>, 770 F.2d at 337. Since the success of the consolidated action in the district court depended on achieving a final resolution, the possibility of subsequent lawsuits would call into question "the certainty of any federal settlement." Id.¹⁴

In Yonkers Racing Corp. v. City of Yonkers, supra, the district court issued an injunction under the All Writs Act to require a state court suit filed by private entities located in the City of Yonkers—that sought to enjoin the condemnation of part of their property pursuant to the consent decree between the City of Yonkers, the Government, and the NAACP—be removed to the district court. The Second Circuit upheld the injunction since the suit in state court might subject the City of Yonkers to inconsistent judgments from different courts. <u>Id.</u> at 863. The court found the private entities were in a position to "frustrate the implementation of the consent decree," <u>Id.</u> Testifying to the unique nature of the <u>Yonkers</u> case, the court found it "the sort of extraordinary circumstance envisioned by the All Writs Act." Id. at 864.

Some subordinate entities argue that this Court cannot issue injunctions against sister federal tribunals, even under the All Writs Act, while others distinguish <u>Baldwin-United</u>, and <u>Yonkers</u>. Both these arguments are misplaced. While <u>United States v. Birrel</u>, 276 F. Supp. 798 (S.D.N.Y. 1967) dismisses the All Writs Act as the basis for an intercourt injunction, it also distinguishes the situation it encountered from those where a court faces "collateral

proceedings which threaten[] to undermine the previously acquired jurisdiction of the enjoining court."—exactly the situation before this Court. <u>Birrel</u>, <u>supra</u>, 275 F. Supp. at 811 n.12. <u>Newman v. Graddick</u>, 740 F.2d 1513 (11th Cir. 1984), never addressed the All Writs Act at all. 15

The IBT litigation presents this Court with the sort of extraordinary and unique circumstances that warrant an injunction under the All Writs Act. This RICO litigation resulted in the Consent Decree which created a nationwide remedial scheme whose oversight and judicial review were by agreement vested in this Court, which has expended a significant amount of time and resources. Enjoining any pertinent collateral lawsuits before other tribunals, past and future, is necessary "in aid of its jurisdiction," over this case. To that end, three major factors require that this Court issue this injunction "in aid of its jurisdiction," (1) inconsistent judgments, (2) time pressure, and (3) judicial economy.

First, there exists a significant risk of subjecting the Consent Decree to inconsistent interpretations and the Court Officers to inconsistent judgments. Allowing such litigation would encourage forum shopping by subordinate entities seeking a sympathetic ruling. The subordinate entities are located in all fifty states and Canada, and all 91 federal judicial districts. Should each subordinate entity chose to litigate its own questions that arise under the Consent Decree, there might potentially be different interpretations of the Consent Decree applying to different subordinate entities. Concentrating all Consent Decree related litigation in one forum allows uniform and congruous interpretations applying to all subordinate entities that seek to litigate disputes. 16

Similarly, the subordinate entities could obtain judgments variant in nature against the Court Officers. One specific course of action by the Court Officers might be deemed permissible against some subordinate entities, but be held a transgression of their authority if taken against others. In order to allow the Court Officers to function properly and continue their important work, they must have clear and consistent mandates on their roles emanating from a single source.

Second, the Consent Decree is of limited duration—for three years—and widespread litigation across the county would subvert the reform by bogging the Court Officers down in duplicitive, harassing, and perhaps frivolous litigation. The Court Officers are charged with an enor-

¹³ The language of the district courts injunction was broad. That order prevented the "State of New York and all other persons having actual knowledge of the order" from "commencing any action or proceeding of any kind against any defendant. . ." <u>Baldwin-United</u>, <u>supra</u>, 770 F.2d at 334.

¹⁴ The Court noted that while enjoining a sovereign state from litigation claims arising under its own laws in its own courts, raised issues of comity were outweighed since, as in school desegregation cases, "it would be intolerable to have conflicting orders from different courts." Baldwin-United, supra, 770 F.2d at 337.

¹⁵ Indeed, federal courts may issue inter-court injunctions against sister tribunals in certain situations, even under the less authoritative basis of Rule 65. For instance, a court may enjoin other suits seeking to litigate class-action issues. See Robertson v. National Basketball Association, 413 F. Supp. 88 (S.D.N.Y. 1976). A court may enjoin duplicitive proceedings which seek to relitigate issues properly before it. See generally National Equipment Rental Ltd. v. Fowler, 287 F.2d 43 (2d Cir. 1961); Meeropol v. Nizer, 505 F.2d 232 (2d Cir. 1974); Bausch & Lomb, Inc. v. Alcide Corp., 684 F. Supp. 1155 (W.D.N.Y. 1987); Roth v. Bank of the Commonwealth, 583 F.2d 527 (6th Cir. 1978).

¹⁶ For example, the Chicago suit baldly seeks to relitigate issues settled by this Court involving the interpretation of the word "supervise" and phrase "1991 Election" as used in ¶12(D) of the Consent Decree. This Court interpreted these terms in their broadest and most proactive meaning. Should the Chicago plaintiffs ultimately be successful on the merits of their suit, those terms could be interpreted narrowly as applied to those plaintiffs. Such inconsistency is clearly a risk of allowing collateral lawsuits.

mous task, to achieve substantive reform in the IBT during their limited tenure. Allowing multitudinous suits before a multiplicity of forums would have the practical effect of requiring the Court Officers to spent [sic] an inordinate amount of time responding to these suits.¹⁷ The Court Officers should not be diverted by frivolous judicial skirmishes but should be free [sic] attend to their momentous duties.

Third, judicial economy demands that similar issues not be litigated multiple times in different districts and weigh toward issuing this injunction. As discussed earlier, to allow subordinate entities choice of forum would potentially spawn collateral lawsuits in every judicial district. Most collateral lawsuits, like those already filed, will undoubtedly seek to relitigate issues adversely decided by this Court. Those that present new and important issues will have in this Court a ready forum to litigate their claims. Weighing these factors against the competing concerns of deference to sister tribunals, the extraordinary nature of the remedy sought, and respect for the choice of forum of the subordinate entities, still justifies the injunction.

The subordinate entities argue that the factors of (1) their constitutionally protected choice of forum, (2) no personal jurisdiction, (3) no actual suits (4) the possibility of transfer, and (5) respect for the equal status of sister federal tribunals militate against the issuance of this injunction. Least persuasive is the contention that limiting the subordinate entities' choice of forum violates either fairness or their constitutional rights. Limiting suits relating to the Consent Decree to this forum in no way denies any entity right of access to air their grievances, but instead requires they litigate in one forum. No constitutional rights are violated or even implicated.

Virtually all subordinate entities argue that this Court has no personal jurisdiction over them, and a lesser number claim it has no subject matter jurisdiction, as well. These contentions ignore the fact that personal jurisdiction is not required to bind such entities under the All Writs Act. The All Writs Act gives the Court the power to bind those who are "not parties to the original suit." Baldwin-United, supra, 770 F.2d at 338 quoting New York Telephone, supra. Even so, the RICO statute provides for nationwide personal jurisdiction, and this ultimately is a RICO matter. 18 U.S.C. §1965(d). In addition, three actual lawsuits constitutes a sufficient basis for an injunction. Actual suits by all potential filers is not a predicate to the issuance of an anti-suit injunction under the All Writs Act. Baldwin-United, supra, 770 F.2d at 337.

Also unpersuasive is the argument that if a collateral lawsuit is filed in another court, the Government or Court Officers may move the other tribunal for a transfer of venue to this Court. Even if successful, such motions still siphon the time and energy of the Court Officers and the Government, and waste judicial resources. In addition, motions take time to decide, and under the Consent

Decree, time delayed is time lost.

Finally, while enjoining litigants from filing suit in otherwise competent sister federal tribunals is a extreme step, this Court believes the special factors discussed earlier in favor of such a step outweigh this concern. Along these lines, some subordinate entities argue that the Government has less drastic means to effect the goal of channeling all Consent Decree related litigation to this Court, since it could either move to transfer venue in each situation or even institute multi-district litigation procedures. Under the All Writs Act, such predicate steps are unnecessary, and the Government is under no obligation to pursue these intermediate steps before seeking an injunction.

p

tl

ir

tl

li

tl

r

6

u

d

i

a

IV. The Binding Effect of the Consent Decree on IBT Subordinate Entities

While the explicit issue now under consideration involves whether this Court may issue an injunction preventing the subordinate entities from collaterally litigating matters under the Consent Decree in any other forum other than before this Court, the underlying conflict is really somewhat different. Holding that the IBT or any subordinate entity must bring Consent Decree related litigation in this forum merely bandages the symptomatic conflict, whether IBT subordinate entities and the entire rank and file are bound by the Consent Decree. Virtually every subordinate entity asserted that since they were not parties to the underlying RICO action, they are not bound by the Consent Decree.

The subordinate entities raise two arguments in support of their contention that they are not bound by the Consent Decree. First, they argue that during the underlying RICO litigation, the IBT moved this Court to join all subordinate entices [sic] as necessary parties under Rule 19 of the Federal Rules of Civil Procedure. On March 6, 1989, this Court denied that motion. Second, they that assert that under the recent Supreme Court case of Martin v. Wilks, ____U.S. _____, 109 S. Ct. 2180 (1989)—issued after the signing of the Consent Decree—since the subordinate entities were determined not to be indispensable parties, they were neither parties to the Consent Decree nor bound by its strictures.

A. The Denial of Joining Subordinate Entities as Indispensable Parties

In the first prong of this reasoning, the subordinate entities assert that since they were not parties to the underlying litigation, they are not bound by its resolution—the Consent Decree. Virtually all subordinate entities that responded to the nationwide order to show cause and filed papers reiterated that the IBT moved this Court during the active phase of this litigation to join all subordinate entities as indispensable parties under Rule 19(a) of the Federal Rules of Civil Procedure. The briefs submitted by subordinate entities exhibit a remarkable similarity in support of this argument.

The subordinate entities point out that in an Opinion & Order of this Court dated March 6, 1989, 708 F. Supp. 1388 (S.D.N.Y. 1989) (the "March 6, 1989 Opinion"), this Court denied the IBT's request to join the subordinate

¹⁷ Some subordinate entities argue that since the IBT pays for the Court Officers, and they could hire further staff at IBT expense if responding to the collateral suits became too onerous. This would exacerbate the already peculiar situation of the IBT paying to litigate against itself. That some segments of the IBT would be advocating this absurd circumstance indicate that they would prefer the Court Officers to litigate their authority rather than accomplish reform.

entities as indispensable parties. The subordinate entities point to dicta in that opinion, where this Court specifically stated:

n

ie

d

at

al

is

S

g

is

d

e

ot

d

0

e

is

at

e

10

25

d

rt

fs

e

is

In any event, it is apparent that although the outcome of this litigation may have ramifications for the conduct of business by the Subordinate Entities, they do not have an interest relating to the "subject matter of the action." The relief requested relates to the IBT. It does not directly affect the rights of the Subordinate Entities. Moreover, to the extent that any rights of the Subordinate Entities are implicated, the IBT has an obligation to protect those interests. Further, because these entities are not parties, any determination in this case would not be preclusive as to them. 708 F. Supp. at 1404. (emphasis added.)

The subordinate entities view this declaration, especially the emphasized passage, as exonerating them from any consequences they may incur in the implementation of the Consent Decree.

The Government contends that while the March 6, 1989 Opinion held that IBT subordinate entities were not indispensable parties under Rule 19(a) for the purpose of the underlying litigation, that determination should be limited to its specific context. The Government further offers that in the language in question, this Court ruled that the specific subject matter of the RICO action—ridding the IBT of the influence of organized crime through electoral reform and bringing charges against corrupt members—involved the International IBT and was outside the purview of subordinate entities.

The argument by the subordinate entities misunderstands the nature of the decision rendered in the March 6, 1989 Opinion and the character of their obligations under the Consent Decree. The March 6, 1989 Opinion denied the IBT's request to dismiss the complaint or require the Rule 19(a) joinder of all subordinate entities. The preclusive effect of this ruling must be limited to its specific context—whether the subordinate entities were indispensable parties for the purpose of obtaining the relief sought in the complaint. This Court ruled that the subordinate entities were not indispensable parties for that limited purpose.

The provisions agreed to in the Consent Decree altering the IBT Constitution affect the International IBT, and to a limited degree how it interacts with its subordinate entities. The Court Officers stand in the stead of the General President of the IBT and its GEB and their elections. As the March 6, 1989 Opinion stated, these matters are primarily in the realm of the International IBT, and did not warrant the Rule 19(a) joinder of the subordinate entities.

In the passage in question from the March 6, 1989 Opinion, this Court stated that the subordinate entities did not "have an interest relating to the 'subject matter of the action.' "708 F. Supp. at 1404 (quoting Rule 19(a)). But this Court further declared that this action did incidentally implicate the rights of subordinate entities, and that the "IBT has an obligation to protect those interests." 708 F. Supp. at 1404. For this Court to now interpret its ruling as stating that the issues then in contention, and now resolved in the Consent Decree primarily were within the preview [sic] of the International

IBT is wholly consistent with the intentions of the parties and the interests of fairness and justice.

The subordinate entities vigorously insist that they are independent bodies with their own Constitutions, distinct and separate from the International IBT. Despite the patriotic assertions of sovereignty and declarations of independence by the subordinate entities, the International IBT moved this Court to join the subordinate entities, and the International IBT now appears to have directed their responses in this situation as well. In the March 6, 1989 Opinion this Court noted that "it is revealing that the Union has taken on the cause of these entities when, if the Union's argument is correct, these very entities could have attempted to intervene in this case to protect that interest." Id. Again, the International IBT and the subordinate entities seem to be asserting their independence at the most convenient moment. In

Accordingly, as a matter of interpretation of §II of the March 6, 1989 Opinion of this Court, the subordinate entities may not escape the strictures of the Consent Decree as a result of their failure to be joined as indispensable parties under Rule 19(a). The International IBT represented what interests the subordinate may have had in the subject matter of the underlying litigation, and the embodiment of the settlement of that litigation—the Consent Decree—reflects such representation.

B. The Status of Subordinate Entities

The subordinate entities further argue that the recent decision of the United States Supreme Court in Martin v. Wilks, supra, frees them from being bound by the Consent Decree. The subordinate entities argue that applying the rule of Martin—that those not parties to a consent decree are not bound by it (or its remedial provisions)—emancipates them from this Consent Decree. This argument of the subordinate entities is a matter of first impression in this or any circuit, since Martin v. Wilks has only been recently decided—after the parties signed the Consent Decree—and in no published opinion have its ruling been specifically applied to an ongoing consent decree.

In <u>Martin v. Wilks</u>, the Supreme Court considered whether a group is precluded from collaterally challenging hiring decisions made by a public agency pursuant to a consent decree concluding a Title VII discrimination suit. In <u>Martin</u>, a class action suit by black firefighters in Birmingham, Alabama, resulted in desegregation and affirmative action consent decrees to integrate the Birmingham Fire Department. A group of white firefighters, who were not parties, intervenors, <u>amici</u>, or in any way involved in the original suit, subsequently challenged the

¹⁸ Exhibit A of the Declaration of Richard Mark, submitted on December 29, 1989 with the Government's response papers is an electronic mail message from the IBT Titan system. This message, styled as a memorandum from General President McCarthy to all IBT affiliates, stated the International IBT's position on the binding effect of the Consent Decree, and "suggested" ten legal theories that subordinate entities could use in their responses. These recommendations are remarkably similar to arguments advanced in a large percentage of the briefs filed by the subordinate entities.

¹⁹ Contrast this position with earlier conflicts in the Consent Decree. The IBT vigorously opposed the expenditures proposed by the Court Officers in the name of saving its membership's monies.

consent decrees in a Title VII suit. This district court dismissed the suit as an impermissible collateral challenge to a consent decree.

The Court affirmed the Eleventh Circuit's reversal of the district court, and allowed the group of white firefighters to collaterally challenge the consent decrees since they were not parties to the original suit. The Court based this finding on the principle that "one is not bound by a judgment in personam in a litigation in which he is not designated as a party." Id., quoting Hansberry v. Lee, 311 U.S. 322, 327 n.1 The Court concluded that the proper procedure for obtaining a judgment binding on a party is to join them under Rule 24(a) (intervention as of right), Rule 24(b) (permissive intervention), or Rule 19(a) (indispensable party), of the Federal Rules of Civil Procedure. The Court established one exception to this general rule: that in "certain, limited circumstances, a person, although not a party, has his interests adequately represented by someone with the same interests who is a party." 109 S. Ct. at 2184 n.2.

The decision in Martin requires that this Court determine whether the International IBT "adequately represented" the interests of the subordinate entities when it negotiated and assented to the Consent Decree. The subordinate entities strongly deny that their interests were represented by the International IBT. Upon review of the pertinent facts and circumstances, this Court finds that the International IBT did "adequately represent" the interests of its subordinate entities to the degree required by the Supreme Court.

The subordinate entities first argue that during the litigation phase, this Court specifically denied them the right to intervene under Rule 19(a), the preferred course under Martin.²⁰ Second, the subordinate entities contend that the Constitutions of the International IBT and subordinate entities establish that the subordinate entities are independent bodies that stand in their own stead. Third, various subordinate entities point out judicial authority holding that courts cannot bind locals to the decisions of the national union in situations involving both the IBT and other national unions.

In arguing that the subordinate entities should be bound, the Government stresses that the nature of the remedial action in the Consent Decree—creating Court Officers to stand in the stead of the General President and GEB on matters wholly under the control of the International IBT—meant that the signatories of the Consent Decree had the power and duty to represent the interests of the subordinate entities.

1. The Denial of the IBT's Motion to Join the Subordinate Entities as Necessary Parties under Rule 19(a)

The argument by the subordinate entities that this

Court's denial of the motion by the International IBT to join them as indispensable parties under Rule 19(a) immunizes them from being bound by the Consent Decree has already been dismissed. As discussed in a previous section, the ruling by this Court found that the specific relief sought by the Government in the complaint was wholly within the Constitutional purview of the International IBT and the GEB. This Court did not deny the IBT's motion because the subordinate entities were unaffected by the litigation, but only held the International IBT had the legal and Constitutional authority to represent its members for the relief sought. As a result, the subordinate entities were not "necessary parties" to the litigation. In addition, this Court charged the International IBT to represent the interests of the subordinate entities to "the extent they are implicated." 708 F. Supp at 1404.

82

n

C

ti

de

th

10

62

m

lo

to

di

th

W

re

b

th

n

10

V. T

p

fr

0

a

V

N th th M fo

tl

V. re Fitt

ol th

Bfc

q W In

te

CII to UV

2. The Power of the International IBT to Bind the Locals

In order to satisfy the <u>Martin</u> criteria of "adequate representation" and by their actions bind the subordinate entities to the Consent Decree, the explicit parties to the Consent Decree must have had such actual legal authority under the IBT Constitution; in other words, an agency relationship must have existed for these purposes. The subordinate entities contend that the signatories to the Consent Decree—the International IBT and the members of the GEB—do not have the Constitutional authority to bind them to the Consent Decree and its remedial scheme. In addition, the subordinate entities point to judicial authority holding that subordinate entities of national or international unions such as the IBT are not bound by decisions of the larger entity—that they cannot be agents of the International IBT.

Both the organizational structure of labor unions in general and the IBT in particular refute the assertions of independence by the IBT subordinate entities and support the notion that the explicit signatories to the Consent Decree had the power to bind the entire IBT, including all subordinate entities. Both the unique circumstances to the current IBT litigation and the standards outlined by previous Courts interpreting similar questions—whether the IBT Constitution binds the subordinate entities to actions of the International IBT (and vice-versa)—supports binding the subordinate entities in this instance. The International IBT is an unincorporated association made up of over four layers of structure: the International Union, the state and area conferences, the joint councils, and the locals. Often forgotten, however, is that under all lies the rank and file.

The International IBT and all of its subordinate entities are merely structures created to represent and serve its constituent membership. Indeed, the laws governing law-suits against labor unions embodies [sic] the underlying philosophy that a union is no more than its membership. See e.g., 29 U.S.C. § 185(b). Legally, an unincorporated association is a collective substitute for its members individually. See United Mine Workers v. Coronado Coal Co., 259 U.S. 344, 385–92 (1922). Under the IBT Constitution, all members of the Union—officials and rank and file alike—are jointly members of both their individual

²⁰ Some carry this argument a step further, and argue that the Government now seeks to "bootstrap" them into being bound by the Consent Decree when they initially opposed their joinder. The Government excluded the subordinate entities at the active litigation phase, the argument goes, and now seeks to bind them to this settlement through the back door. For reasons to be discussed, this argument has little bearing on the actual situation at bar.

local and the International IBT. IBT Constitution, Art. II, §2(a); Art. IX, §3.

Courts may look to the amount of control the International exercises over the locals as permitted by the IBT Constitution when determining if actions of the International implicate local unions. In International Brotherhood of Teamsters v. United States 275 F.2d 610 (4th Cir.) cert. denied, 362 U.S. 975 (1960), the Fourth Circuit looked to the IBT Constitution and determined that an officer of a local was an agent of the International IBT. That court examined the IBT's Constitutional provisions regarding membership, internal affairs of locals, external affairs of locals, and the right to exercise direct control, and taken together found they "showed such extensive control and direction of the local as to warrant the conclusion that the local is a component of the International." Id. at 614. While this decision has subsequently been interpreted to require an examination of the particular circumstances at bar, the pertinent provisions are applicable in this situation and still good law.21

Indeed, in a similar perusal of relevant provisions of the IBT Constitution, the Ninth Circuit found the International IBT had the Constitutional power to bind its locals to a Title VII remedial consent decree. United States v. Navajo Freight Lines 525 F.2d 1318 (9th Cir., 1975). The Navajo Freight court examined IBT Constitutional portions and determined that the "picture that emerges from an examination of the Teamsters Constitution is one of a strongly centralized union that has secured itself against the weaknesses that attend confederations."22 Na-

vajo Freight, supra, 525 F.2d at 1324.

Subordinate entities seek to distinguish IBT v. U.S. and Navajo Freight and offer alternative authority to support their argument that the International IBT cannot bind the subordinate entities. In Carbon Fuel Co. v. United Mine Workers, 444 U.S. 212 (1979) the Supreme Court found that the United Mine Workers were not agents for their locals and therefore not liable under respondeat superior for damage caused in wildcat strikes. This case

may be distinguished since the Court held that binding one labor entity to its subordinate is determined by "their fundamental agreement of association." Id. at 217. Carbon Fuel does not preclude holding subordinate entities bound to the actions of the International.

Similarly, United States v. International Union of Petroleum & Industrial Workers (IUPIW) 870 F.2d 1450 (9th Cir. 1989) also does not preclude binding the subordinate entities. In IUPIW, The Ninth Circuit declined to force that union to comply with portions of a subpoena requesting election records, since such powers were unsupported by the IUPIW Constitution. Id. at 1453. The IUPIW court conducted the prudent inquiry and looked to the degree of control of the International Union over the local, both Constitutionally, and practically. The IUPIW court looked for "actual," rather than "theoretical" control. Id. at 1454.

This review of pertinent authority reveals that prudent courts should look to two factors to determine whether subordinate entities are agents of the international union, thus indicating "actual representation": the constitutional relationship between the union's strata, and the real degree of actual control the international union exercises over its subordinate entities. Both of these factors should be considered in the context of the particular situation. This Court believes that in considering both the relationship between the International IBT and the subordinate entities under the IBT Constitution, and the actual degree of control exerted by the International IBT in the context of this unique case, both factors warrant the findings of agency and control necessary to indicate "actual representation."

a. Constitutional Control

A review of the relevant provisions of the current version of the IBT Constitution supports binding the locals to the Consent Decree. The preamble to the Constitution hails the IBT as "one great labor organization." (Art. I, §1). Membership in the IBT is open to all, and all IBT rank and file are dual members of their local, and the International IBT. In addition, members must comply with the rulings of the GEB. Indeed, the GEB is authorized to change provisions relating to membership and approve contracts (Art. II, §2).

The General President is vested with significant powers and oversight authority over all facets of the IBT structure. The General President may interpret the IBT Constitution, the Constitution and By-laws of any subordinate entity, and settle all inter-IBT disputes, subject to the approval of the GEB. (Art. VI, 2(a)). He may suspend, revoke, or place into trusteeship any subordinate entity that refuses to comply with his rulings. (Art. VI, §2(b)). The General President may place any subordinate entity in trusteeship for any number of malfeasances, including "being conducted in a manner as to jeopardize the interests of the International Union." (Art. II, §5).23 The power of the General President has special import for this particular situation, since the Consent Decree vests the Court Officers

FEBRUARY 1990

²¹ Many subordinate entities argue that later cases have overruled IBT v. U.S., supra, or limited its rulings to its facts. But the provisions relevant to this situations [sic] are still are good law. In Shimman v. Frank, 625 F.2d 80, 96 n.36 (6th Cir. 1980) in dicta the Court rejected that blanket proposition that the IBT Constitution makes locals agents of the International for all purposes, but instead a court should look to the "nature and extent of actual control." Id. In Barefoot v. International Brotherhood of Teamsters, 424 F.2d 1001 (10th Cir. 1970), that court found the all-inclusive language of IBT v. U.S. limited to instances of trusteeship, but still held that courts must look at the situation in question. That situation differs significantly from the current one. Even when the union is not the IBT, courts look to the substantive relationship. In Baldwin v. Poughkeepsie Newspapers, Inc., 410 F. Supp. 648 (S.D.N.Y. 1976) (Ward, J.) the court considered the limiting language of Barefoot to the extent it required an independent consideration of the particular circumstances at bar. In any event, the union in question was not the IBT. Other cases following this line in requiring a substantive examination to determine the agency relationship include Rodonich v. House Wreckers Union Local 95, 817 F.2d 967 (2d Cir. 1987) (not IBT); Berger v. Iron Workers Reinforced Rodmen Local 201, 843 F.2d 1395 (D.C. Cir. 1988) (not IBT); and Plumbers & Pipefitters v. Plumber & Pipefitters, 452 U.S. 655 (1980) (not IBT).

²² The Court looked at the following Constitutional provisions: Art. I, \$1 (preamble); Art. XI, \$2(a) (membership); Art. XVI, \$1, Art. VI \$1(f), Art. X, §§4, 10(a) (subordinate bodies); Art. VI, §5 (trusteeship). Navajo Freight, supra, 525 F.2d. at 1321.

²³ The trusteeship powers of the General President, and the trustee he ultimately appoints, are significant. (Art. VI, §5 [power of General President]; Art. VIII (trustees).

with disciplinary authority at least equal to that of the General President.

The GEB has authority to oversee the operation of virtually every facet of the IBT. (Art. IX, §1). The GEB may review disciplinary decisions by the subordinate entities. (Art. II, §3). The GEB has wide ranging authority to discipline and suspend IBT subordinate entities or members. (Art. IX, §2(b) [subordinate entities]; §3 [members]). The GEB may approve any number of financial reimbursements in connection with legal proceedings, both for the International IBT and subordinate entities. (Art. IX, §9(a)).

The International IBT, through the General President, the GEB and the Secretary Treasurer, has broad discretion over the disbursement and oversight of IBT funds. (See generally Art IV, §3 [meetings]; Art. V [salaries]; Art. VII [Secretary-Treasurer]; Art. IX, §9(a) [legal expenses]; Art. IX, §10 [retirement plans]; Art. X [taxes, audits, IBT property]; Art. XI [finance committee]; Art XII, §5 [expenses in strikes and settlements]; Art. XII, §12 [out-of-work benefits]).

The International IBT retains control over a significant amount of the activities conducted by the subordinate entities. The International sets controls on strikes and settlement votes. (Art. XII, §1). The GEB approves large area strike committees and approves many of their decisions in strikes and settlements. (Art. XII, §2). The International IBT sets the amount of compensation to be paid striking workers (Art. XII, §14). The IBT sets the conditions for the charters of subordinate entities, and many of their internal procedures. (Art. XIV [locals]; Art. XV [joint councils]; Art. XVI [area conferences]). The rules governing transfer between subordinate entities are also controlled centrally. (Art. XVII).

Taken separately and as a whole, these pertinent provisions of the IBT Constitution reveal a strongly centralized structure.

b. Actual Control

Indeed, the behavioral characteristics relied upon by other courts determining similar questions strongly militate toward a finding of actual control. In this instance, the International IBT exercised significant control over the subordinate entities, which demonstrated none of the factors courts look to in separating Internationals from subordinate entities. In the initial active suit phase, the International IBT litigated the underlying RICO suit, spoke for the subordinate entities in their motion to join under Rule 19(a), and conducted settlement negotiations with a team that included lawyers for subordinate entities.

Not only did the International IBT behave in a manner consistent with control over the subordinate entities, but its officers attested to the validity of the Consent Decree's Constitutional changes before the United States Senate. Testifying before the United States Senate, General Counsel Grady averred that the provisions of the Consent Decree were not merely a settlement between the individual signatories and the International IBT alone, and the Government, but that the Consent Decree "is the Constitution of the International Brotherhood of Teamsters." Federal Government Use of Trusteeship under the RICO

Statute: Hearings before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs of the United States Senate, 101st Cong., 1st Sess. 31 (April 4, 1989).

The International IBT has similarly maintained significant control over the subordinate entities during the current period of the implementation of the Consent Decree. The International IBT vigorously fought to control the Court Officers through the provisions in the Consent Decree granting them oversight over the expenses of the Court Officers. See October 18, 1989 Opinion, 723 F. Supp. 202. The International IBT justified such actions as necessary to protect its membership's monies. In this current dispute, the International IBT sent each and every subordinate entity a communication via its internal electronic mail system informing them of the nationwide order to show cause and "suggesting" ten relevant points of argument to raise in opposition. The overwhelming majority of the briefs received virtually mirrored the recommendations of General President McCarthy. See Exhibit A. Declaration of Richard Mark. (December 27. 1989).

3. Adequate Representation

Both the explicit terms of the IBT Constitution, and the implicit actions of the parties indicate that the International IBT had the actual legal authority and exercised the requisite degrees of control to "adequately represent" the subordinate entities in negotiating and signing the Consent Decree as required by Martin.

Such a detailed factual review of the relationship between the International IBT and the subordinate entities is even unnecessary to find the International IBT "adequately represented" the subordinate entities. Courts interpreting what constitutes "adequate representation" for the purposes of Rule 24(a)(2) find that the parties seeking to intervene must show that they

"have an interest not adequately represented by a party to a lawsuit simply because it has a motive to litigate different from the motive of an existing party. So long as the party has demonstrated sufficient motivation to litigate vigorously and to present all colorable contentions, a district judge does not exceed the bounds of discretion by concluding that the interests of the intervenor are adequately represented."

Natural Resources Defense Council, Inc. v. New York State Department of Environmental Conservation, 834 F.2d 60, 61–62 (2d Cir. 1987).

This Court made this very determination in denying the IBT's motion to join the subordinate entities. The review of the International IBT's actions since the Consent Decree further attest to their determination to "litigate vigorously and present all colorable contentions." Id.

Indeed, the Court has further determined the unity of interest of the subordinate entities and the International IBT in the implementation of the Consent Decree in the November 2, 1989 Opinion. The November 2, 1989 Opinion confronted the question of whether Anthony Hughes—who was not an explicit party to the underlying litigation that led to the Consent Decree—should be bound by its

strictures. In the motions for injunctions by Friedman and Hughes presented in response to Application III, Hughes argued that since he was not a party to the underlying litigation or a signatory of the Consent Decree, he, unlike Friedman, should not be bound by the Consent Decree's strictures.

if-

he

nt

ol

nt

he

F.

as

nis

·C-

de

ng

he

ee 7,

nd

nd

ly

nd

en

en

ly

ng

Ir-

to

te 0,

ee

ne.

on

on

ts

ER

The November 2, 1989 Opinion held that Hughes was bound to the Consent Decree since the International IBT represented his interests in the underlying litigation and the implementation of the Consent Decree. In addition to finding "adequate representation," this Court found the remedial goals of the Consent Decree—to promote free elections and root out corrupt officials—squarely in the interests of the IBT rank and file as a whole, and the public at large. ²⁵

The Court in <u>Martin</u> based its decision on what it considered the inherent unfairness of binding a non-party to litigation. An important subtext in that decision was the nature of the underlying suit and the subsequent remedial relief. The current situation may further be distinguished by considering those factors.

The Consent Decree in this IBT situation attempts to instill democratic, fair, secret ballot elections into a union not known for fairness or strict adherence to democratic principles in its elections and root out corrupt officials in an association historically tainted by organized crime. The remedial scheme seeks to ensure fair elections and establishes a process to expunge corrupt officers. This Consent Decree represents an unprecedented attempt to reform the nation's largest labor union. Undeniably, fair elections and honest officials are squarely in the interests of the membership as a whole.

Contrast this situation with that considered by the Supreme Court in <u>Martin</u>. The Birmingham relief involved alterations in hiring and promotion by a public agency based on considerations of race as a factor. The white firefighters may have had their own Title VII civil rights infringed upon by those consent decrees. Their absence from the litigation may have resulted in some curtailing of those basic rights.²⁶

²⁴ This Court ruled as follows:

The International IBT, as the elective and administrative leadership of the IBT membership, litigated the suit and entered into the Consent Decree as the representative of its membership and considered the Consent Decree consonant with its member's interests. In fact, the only logical purpose for the existence of the International IBT is to represent and protect is constituent members, including representing the IBT rank and file as a whole in lawsuits."

November 2, 1989 Opinion, at 14.

25 This Court reasoned:

"Indeed, the Consent Decree appears to contravene the interests of only two classes of IBT members; the election oversight may imperil unfairly elected officers, and the prosecution scheme may ultimately suspend corrupt union members. . . . To argue that it is unfair to bind Hughes—or any other member falling into one of these two threatened classes—to the scheme created by the Consent Decree's changes to the IBT Constitution is simply ludicrous."

November 2, 1989 Opinion at 15.

The November 2, 1989 opinion also distinguished Martin on the grounds that it involved civil rights litigation, and the nature of the remedial scheme was significantly different from this situation. This Court reaffirms and adopts that reasoning in this situation. See November 2, 1989 Opinion at 13–15.

Considering the legal and actual authority that the International IBT exercises over its subordinate entities, coupled with nature of the changes to the IBT Constitution, make apparent that the International IBT "adequately represented" its subordinate entities during the litigation and in the Consent Decree, satisfying the requirements of Martin. The subordinate entities are hereby determined to be bound by the Consent Decree and all its provisions.

C. The Constitutional Changes of the Consent Decree

For the purposes of the implementation of the Consent Decree, it may even be irrelevant whether or not the subordinate entities are bound by its strictures or not. The Constitutional structure of the IBT and the validity of the Constitutional changes made by the Consent Decree may make that determination unnecessary. The Government argues that the provisions of the IBT Constitution and the Consent Decree provide ample authority to enforce its provisions. This argument has significant merit.

In respecting the authority of the Court Officers, the subordinate entities may merely be feeling certain negative consequences of Constitutional changes properly agreed to by the International IBT. The Court Officers' authority stems from the IBT Constitution itself, and the subordinate entities are bound to that document. Those changes created the three Court Officers—the Independent Administrator, the Election Officer, and the Investigations Officer.

The specific powers granted to the Court Officers expand the disciplinary and oversight authority of the General President. Indeed, ¶F.12 et. seq. of the Consent Decree vests the Independent Administrator, who oversees the Court Officers, with no less disciplinary authority than the General President. This authority stems from the power of the General President to appoint a personal representative to act in his behalf, as he so directs. IBT Constitution, Art. VI, §1(f). The Consent Decree's specifically enumerated powers of the Independent Administrator derive their validity from the IBT Constitutional provisions located at Art. VI, Art. XIX [disciplinary authority, trusteeship]. Further, the IBT Constitution specifically authorizes the General President to delegate (1) his authority to audit the books of any subordinate entity, Art. X, §10; (2) the trial of any union member Art. XIX, §5 and Art. XIX, §10(b). The disciplinary and investigative provisions in the Consent Decree must be viewed as specific delegations of the Constitutional power of the General President.

The electoral reforms enumerated in ¶F.12(D) of the Consent Decree were changes wholly within the realm of authority of the International IBT. The procedural and oversight powers the Consent Decree granted to the Election Officer involve the local elections for delegates to the International Convention. That this balloting for these delegates happens when the locals conduct their

²⁶ Further, the Supreme Court distinguished the Martin case from the nationwide remedial scheme created by Congress in Penn-Central Merger and N & W Inclusion Cases, 389 U.S. 486 (1968). While distinguishable from this situation, the Court nevertheless recognized that special factors may exist in large, nationwide, situations and discusses the Martin case in the context of "ordinary civil actions in a district court." Martin, supra, 109 S. Ct. at 2187. This IBT situation must be considered as a special, unique, and extraordinary proceeding.

own elections was arranged for administrative convenience. The changes in the Consent Decree may affect subordinate entities and alter their behavior, but the election of these delegates relates to the International IBT. See Donovan v. District Council 35, 702 F.2d 25, 28 (1st Cir. 1983); see also Brock v. International Union, United Auto Workers, 682 F. Supp. 1415, 1430–32 (E.D. Mich. 1988).

Finally, there can be little dispute that these changes are now part of the IBT Constitution. As referred to earlier, the General President and General Counsel both testified before the United States Senate that the Constitutional changes agreed to in the Consent Decree are part of the IBT Constitution. Testimony of James T. Grady, Esq., before Permanent Subcommittee on Investigations, supra.²⁷

V. The Validity of the Temporary Injunctive Relief

Virtually all subordinate entities have argued that the nationwide temporary restraining order issued by the [sic] this Court is procedurally flawed and necessarily void. Given the extraordinary scope of the nationwide order to show cause, the nationwide temporary restraining order complied with the rules for such orders as spelled out in Rule 65(b). The nationwide TRO was intended only to preserve the status quo pending a decision on the Ali Writs Act injunction.

Further, the time calculated for the duration of the nationwide TRO was in full compliance with the timing

provisions of Rule 6(a), which excludes weekends and holidays when calculating periods of time in any Rule of Civil Procedure that is less than 11 days. Innumerable briefs filed by IBT subordinate entities called for the dissolution of the nationwide TRO, since January 2, 1990 was longer than 10 days from the signing of the nationwide TRO on December 15, 1989. But the timing provisions of Rule 6(a) indicate that the period of the nationwide TRO was proper. Part of the confusion stems from the fact that Rule 6(a) was amended April 29, 1985 to be effective August 1, 1985, and that change increased the time period when weekends and holidays would be excluded from 8 days to "less than 11 days." Rule 6(a) of the Federal Rules of Civil Procedure and Advisory Committee Notes. January 2, 1990 was the tenth day of the nationwide TRO as calculated by Rule 6(a), properly excluding Saturdays, Sundays, or Holidays from the computation of time.

No evidentiary hearing is necessary, since the permanent injunction is being entered pursuant to the All Writs Act, not Rule 65. Finally, the Government showed good cause for an extension of the original ten-day period, which was found by Order of this Court dated January 2, 1990.

Conclusion

Accordingly, the Government's request for a permanent injunction pursuant to the All Writs Act, 28 U.S.C. §1651 is hereby granted. The plaintiffs in the Chicago suit and the New Jersey suit are hereby ordered either to dismiss their actions, or transfer those suits to this Court. All motions by subordinate entities are hereby denied in all respects.

So Ordered.

Dated: New York, New York January 17, 1990

U.S.D.J.

²⁷ Some subordinate entities have raised the specter that the defendants to the initial suit may have had ulterior motives, such as their own financial or professional stature at stake when they negotiated and signed the Consent Decree. These accusations that the defendants individually breached their fiduciary duty to the IBT as a whole are serious charges if substantiated, but in any event outside the scope of this order. Regardless, the Government claims the Art. XXVI, §2 authorizes the GEB to bind the membership to this settlement.

Attention All Members

NOTIFY YOUR LOCAL UNION

If the mailing address on your mailing label is incorrect . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.



nd

90 de of

RO

ve

les

ys,

ct,

vas

ind iss All all

STER

Annual Easter Seals Telethon

March 3-4, 1990

Host: Pat Boone

Cohosts: Mary Frann Robb Weller

National Child: Vanessa Vance

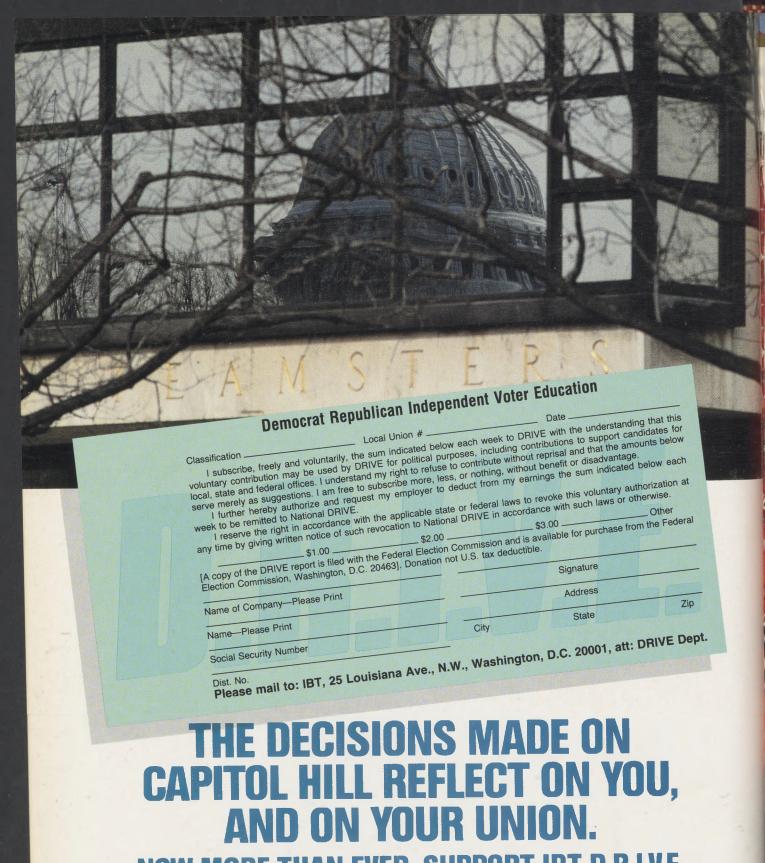
For many years, the International Brotherhood of Teamsters has been a loyal supporter of Easter Seals, the world's largest and oldest nationwide, nonprofit health agency providing direct services to people with disabilities.

Over one million Americans benefit from Easter Seal services each year. To help raise the funds that maintain Easter Seal programs and services, Teamsters will again join in supporting the Annual Easter Seals Telethon, this year set for March 3-4. All Teamster Joint Councils, Area Conferences, and local unions are urged to throw their full support behind this year's event.

With our help, youngsters such as Vanessa Vance and adults with disabilities will find "the power to overcome."







Now is the time to support the friends of labor who speak out for working men and women everywhere. Show your support by increasing your contributions to the Teamsters' D.R.I.V.E. (Democrat, Republican, Independent Voter Education).

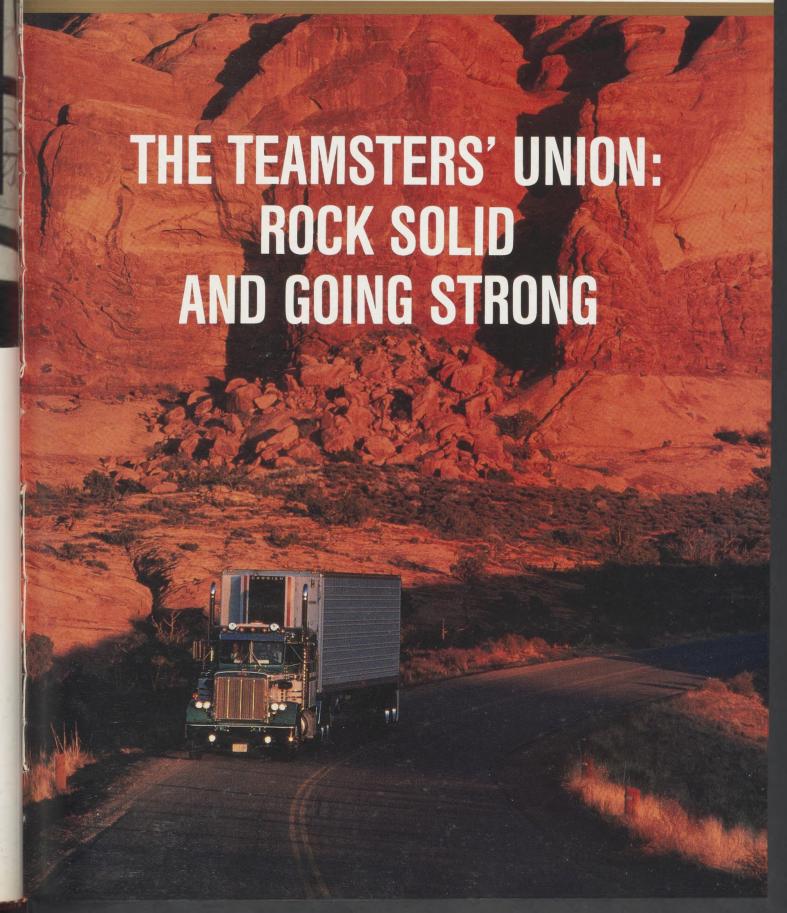
Through your contributions, the Teamsters can continue to have that much needed voice on Capitol Hill.

Invest in your future, return your D.R.I.V.E. coupon today.

THE INTERNATIONAL
MARCH 1990

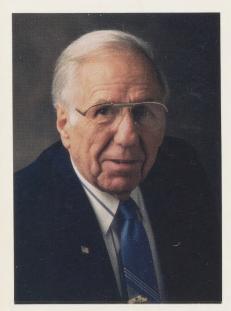
TEANSTER





THE PRESIDENT'S

MESSAGE



host of recent news stories and opinion polls indicate that the labor movement in America is once again on the upswing. Few would disagree with the notion that the last decade, which began with the wholesale firing of 11,500 federal air traffic controllers, was one of the most debilitating periods in the movement's history. Labor laws designed to protect workers from being victimized for union activities were ignored. Meanwhile, anti-union activism combined with economic change and foreign competition to inflict major losses across-the-board for trade unionism.

Happily, however, there are unmistakable signs that the decade of the '90s could prove as positive for trade unionism as the '80s were negative. Public support for unions is growing. Polls now show that Americans are inclined in a dispute to support the union over the

company by a 33 percent to 25 percent margin. A decade ago, surveys showed just the opposite.

Also, within the past year, unions have prevailed in three major strikes. After a six-week strike at Boeing by 58,000 machinists, the company agreed to a more favorable wage settlement than the Machinists Union was seeking before the strike.

The courageous coal miners who struck Pittston Coal for nine months obtained a tentative settlement in which the company was forced to reverse its decision to stop contributing to a joint industry-union health benefit fund for 130,000 retired miners and their families.

Similarly, the court's action against the telephone companies ultimately proved successful.

The range of victorious organizing activity in recent days, as well, indicates the increasing vitality of trade unionism. The labor movement has achieved significant success signing up workers of all stripes—clerical, bakery, professional, oil and chemical, janitors, clothing and textile, auto, and food and commercial.

The stepped-up training of organizers and enlarged commitment of staff and resources are apparently paying off. Unions organized more workers in 1988 (the last full year for which figures are available) than in any year since 1981.

Not only are the total numbers of workers signing up on the increase, but unions are winning an increasing percentage of representation elections. For example, the IBT saw a four percent improvement in our winning percentage in the first half of 1989 over the same period in 1988.

It seems as if finally, after years of some decline, more and more working people are beginning to see the advantages of union membership. For example, union workers continue to outgain nonunion workers in wages and benefits. Union members averaged \$5.26 more per hour than nonunion workers. The Bureau of Labor Statistics also reports that hourly benefits for union workers averaged \$6.95 an hour—almost double the \$3.80 rate for nonunion workers.

These advantages of collective bargaining are very familiar to those of us inside the labor movement. These figures show that fortunately, they are becoming increasingly clear to the working public at large.

We need to capitalize on the momentum we are beginning to enjoy through vigorous communications, legislative, political, and organizing campaigns. It won't be easy, and sacrifice will be called for, but if we make a good faith effort, I truly believe that the decade of the '90s could write a very welcome chapter in the history of the American labor movement.

Fraternally,

William J. McCarthy

TEAMSTER DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters. Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



en-

the

ve-

age

the

ars

ore

to

m-

rkion

its.

.26

ion

Sta-

en-

ged

the

ers. tive

ose

ent.

rtueas-

blic

the

to nu-

and

t be

lled aith

dec-

very y of

Executive Board WILLIAM J. McCARTHY General President 25 Louisiana Ave., N.W. Washington, D.C. 20001 WELDON L. MATHIS General Secretary-Treasurer 25 Louisiana Ave., N.W. Washington, D.C. 20001 JOSEPH TREROTOLA First Vice President 265 W. 14th St., Rm. 1201 New York, New York 10011 JOSEPH W. MORGAN Second Vice President 1250 E. Hallandale Beach Blvd. Hallandale, Florida 33009 EDWARD LAWSON Third Vice President 899 West Eighth Avenue Vancouver, B.C. Can, V5Z 1E3 ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash, 98109 WALTER SHEA Fifth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 JACK D. COX Sixth Vice President 450 Carson Plaza Drive Carson, California 90746 DON L. WEST Seventh Vice President 125 N. 57th St. Birmingham. Alabama 35212 MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA Ninth Vice President 625 Stanwix St., Suite 1903 Pittsburgh, Pa. 15222 DANIEL C. LIGUROTIS Tenth Vice President 300 South Ashland Avenue Chicago, Illinois 60607 FRANCIS W. HACKETT Eleventh Vice President 544 Main Street Boston, Mass. 02129 R.V. DURHAM Twelfth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 MITCHEL LEDET MITCHEL LEDET Thirteenth Vice President 2207 Royal Street New Orleans, Louisiana 70177 GEORGE J. VITALE Fourteenth Vice President 1625 Fort Street Wyandotte, Michigan 48192

Trustees
BEN LEAL
459 Fulton St., Suite 304
San Francisco, Calif. 94102
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

GAIRALD F. KISER Fifteenth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 March 1990

Volume 87, No. 3

- Work Begins on UPS Negotiations
 Negotiating Committee reviews proposals
 from 212 locals
- 4 Canadian Conference Fights Federal Tax New General Services Tax seen as regressive
- 6 Seattle Local Hosts Stewards' Seminar Program emphasizes political action, organizing
- 9 Teamsters Challenge USAir Election Airline Division charges company with illegal interference
- 10 Michigan Members Put Community First Sterling Heights Teamsters form Community Involvement Group
- 16 Report IX to Teamster Members
 A message from the Independent
 Administrator
- 18 Baking Industry Leaders Meet

 Labor-Management task forces
 tackle industry-wide problems
- 22 Timely Tips for Taxpayers

 Helpful hints to remember at

 tax time
- 27 IBT Responds to Personal Rights Issues A letter from the General President
- 28 Immigrants in the U.S. Work Force
 The impact on the American workplace



9



4



18

The International Teamster has an average monthly circulation of 1.886.230 and an estimated readership of 5.000.000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

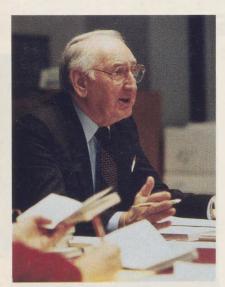
Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Teamsters Begin Work on UPS Negotiations, Review Proposals from 212 Affiliates



Al Barlow, director of the IBT Parcel and Small Package Trade Division, is cochairman of the Teamsters National Negotiating Committee.

Parcel Service employees met in Washington, D.C., on February 6, to consider local unions' suggestions for changes in the contract to be made in the upcoming round of negotiations.

Negotiating Committee members reviewed more than 12,000 suggestions, received from 212 Teamster affiliates, for changes in the national and supplemental UPS agreements.

The process began on November 1, 1989, when General President William J. McCarthy and Teamsters National Negotiating Committee Cochairman Al Barlow sent a letter to all local unions with members working for UPS, asking them to hold membership meetings "to solicit their contract proposals for the upcoming negotiations."

General President McCarthy To Be Personally Involved

The National Master United Parcel Service Agreement, which sets wages and working conditions for over 141,000 Teamster members.

expires at midnight on July 31, 1990. Because of stiff competition from mostly nonunion firms, the upcoming round of contract talks is likely to be the most challenging since the first national contract was negotiated in 1979.

Barlow assured the Union negotiators that McCarthy will be the first General President of the Teamsters Union to become personally involved in the UPS negotiations, noting that the upcoming talks will be "one of the most important negotiations in the history of the Teamsters."

A Teamster member for 40 years and a representative of UPS workers since 1969, Barlow had high praise for McCarthy's knowledge of the UPS contract and for his negotiating ability. "Nobody knows the UPS system like Billy McCarthy," Barlow said. "Never has there been a UPS settlement that improved conditions without Bill's influence."

Proposals Provide Negotiators With Valuable Insights

Barlow described the importance of collecting proposals from all Teamster UPS locals, so that Union negotiators could gain insights into problems and practices from every region of the country, not just from their own locals and areas. "UPS will not divide and conquer us; we're going to get the job done right," he said.

The International's Research Department collected and read every proposal, categorizing them by contract, article, and section, while analyzing each one for content. This information was compiled in booklets for review by the negotiating committees.

The National Screening Committee reviewed suggestions that would require money expenditures by UPS or that dealt with specific language changes in the national agreement. Barlow headed the group in streamlining the massive collection of proposals into a comprehensive list of national language and monetary contract demands.

Regional Committees Study Supplemental Agreements

Other negotiating committee members were split into Eastern, Central, Western, and Southern regional groups to study proposals to alter nonmonetary language in 47 supplemental agreements. These



Barlow (far left) heads deliberations of the National Screening Committee.



ry

nt.

in

oti-

m-

nat

res

ific

nal

he

ive

m.

an-

de-

tee

rn,

rn

als

ese

FER

Negotiating Committee members carefully reviewed more than 12,000 suggestions, from 212 Teamster affiliates.

contracts contain important, complicated language concerning local working conditions.

Supplemental Proposals Receive Careful Review

Proposals for changes in the supplemental contracts received the careful review of Teamster representatives from those areas. Because the suggestions made by local unions were often very detailed, the task of reviewing them was enormous.

Barlow said that two representatives of each local union with jurisdiction under the UPS agreements—the "Two-Person Committee"—will meet in Chicago in the near future to consider the proposals accepted by the negotiating committee.

The Two-Person Committee will also consider suggestions for health and safety improvements in the

Members of the Western Conference's group concentrate on the task at hand.

new contract drafted under the direction of International Vice President and IBT Safety and Health Director R.V. Durham.

Emerging from the Chicago meeting will be the final package of proposed changes in the contract that the Union will present to UPS at the opening of negotiations.

Formal Negotiations Open March 6th

Negotiations will open formally with an exchange of contract proposals between Union and UPS negotiators March 6 at the Holiday Inn at Metro Center in Washington, D.C. Bargaining is scheduled to continue in Scottsdale, Arizona, until a tentative agreement is reached.

The proposed settlement then will be presented to the UPS membership at local union meetings, where all changes in the contract will be explained and debated. After these meetings, the membership will vote on the proposed agreement. The membership, having the final word in any Teamster negotiation, will have the opportunity to vote "for" or "against" the agreement.

Barlow Stresses Importance of Meetings

Barlow summed up the importance of the preliminary contract proposal meetings by saying, "What the Teamsters Union has attempted to do in asking the locals for their proposals is to establish a process that guarantees the collective participation of Teamster members in the formulation of bargaining goals.

"We now have a clearer idea of what the UPS membership wants and needs out of a new agreement," he continued. "We will

keep on doing our homework, so that we can go into negotiations with the information needed to win a fair agreement to protect and improve the working conditions and benefits of our members.'



Members of the Central Conference Screening Committee.



Southern Conference Screening Committee members review area supplements.



Eastern Conference Screening Committee members consider proposals to the 12 supplemental agreements in that region.

Canadian Teamsters Help Form Coalition against New Federal Tax

t their recent meeting, the Canadian Conference Policy Committee members voted unanimously in favor of direct involvement in the campaign against the General Services Tax (GST). The Conference will be working closely with officers of the Canadian Labour Congress and the Pro-Canada Network in conducting a referendum vote of the Canadian Teamster membership across the country.

Together with a number of other organizations across the country, the Canadian Conference is determined to voice its opposition to the new tax. The Canadian Labour Congress, in collaboration with the Pro-Canada Network and the Canadian Conference of Teamsters (CCT), will be conducting a nationwide ballot referendum. The vote is scheduled for April 7-9, 1990. Also expected are rallies and demonstrations. The overall objective is to build public momentum for stopping the General Services Tax and to mobilize support for progressive alternatives to the current tax system.

A Regressive Form Of Taxation

The GST is a regressive form of taxation, because it will penalize those who earn less: it will erode a bigger portion of their income relative to those earning a higher income. For example, under the tax, a hair cut, a soft drink, a lunch at the cafeteria, a birthday cake, clothes, and virtually all products at current consumption are going to be taxed by seven percent in 1991.

According to Statistics Canada, Canadian families with a yearly income of between \$10,000 and \$15,000 spend 92 percent of their revenue on current consumption. Families with a yearly income of



over \$50,000 spend on average only 56 percent of their income on current consumption.

The General Services Tax will absorb a larger portion of the revenue of the low-income family. The higher income family will be less adversely affected. The tax will contribute to making the country's tax system less progressive, with the result being that a disproportionate burden will be placed on those Canadians less able to pay.

Even if the vast majority (74 percent) of the Canadian population is against the introduction of the General Services Tax, the Mulroney Government decided last January to introduce to the House of Commons its seven percent tax

project. If adopted by the Canadian Parliament, the tax will become effective January 1, 1991, and will replace the present Federal Sales Tax.

Education of Members Is Part of Campaign

The Canadian Conference will also educate Teamster members as thoroughly as possible on the issues involved.

Since its reelection in 1988, the Conservative Government has undertaken a series of policy initiatives, many of which have undermined Canadian society. Changes to unemployment insurance, Via Rail cuts, the cutbacks of family allowance and old age pension, and the effects of the free trade agreement are only a few of the areas where working people are under attack.

The General Services Tax is only the latest in a series of regressive tax changes that have been clearly designed to favor business over the wage earner.

The tax will significantly raise the price of many goods and services which are not now subject to a federal sales tax. The result will

Forecast Price Changes under the General Services Tax

<u>Durable Goods</u> Furniture and Carpets New Cars	-1.0% -2.2%	"Semi-durable" Goods Clothing Shoes Books and magazines	+ 5.6% + 4.7% + 5.2%
Services Laundry and dry cleaning Hotel accommodations Household services Auto related services Recreation services Restaurant meals	+ 6.9% + 5.6% + 6.0% + 5.2% + 7.5% + 7.0%	Nondurable Goods Electricity Home heating fuels Household supplies	+6.6% +7.0% -1.7%

"Such a strategy can only succeed if it contains a substantial component of economically sound and socially responsible management . . . , a broadbased equitable revenue component . . . , and a policy which lowers our oppressively high interest rates."

an

ill

es

illi

he nia-

er-

es

/ia

nd

ler

ive

be reducing consumers' demands, thereby causing a loss of jobs. The General Services Tax will also create inflation and force workers to adopt a firmer position at the bargaining table in terms of salary increases to protect their purchasing power.

CCT Lobbying GovernmentFor More Viable Plan

Given the magnitude of the negative impact of the General Services Tax on the economy and on members' lives, the Canadian Conference of Teamsters is joining the rest of the Canadian Labour Movement to press the government to scrap its ill-conceived General Services Tax and design in its place, a comprehensive deficit and debtreduction strategy as well as a fair tax reform.

In the view of the Canadian Conference, "Such a strategy can only succeed if it contains a substantial component of economically sound and socially responsible management on the expenditures side; a broad-based equitable revenue component, wherein those corporations and high income earners who derive the greatest benefits from the economy also pay their fair share; and a policy which lowers our oppressively high interest rates."

Uniontown, PA, Teamsters Take Oath of Office



The Executive Board of Local 491, Uniontown, Pennsylvania, was recently sworn into office. Presiding at the ceremony was Sam Stintsman (left), IBT International representative and trustee of the local.

Local 578 Backpay Award



Local 578, Los Angeles, CA, Secretary-Treasurer Swede Ericson (far left) was pleased to report a recent arbitration victory involving eight Teamster drivers from M.G. Industries. M.G. Industries refused to adhere to the collective bargaining agreement following a company sale, and it took a convincing union presentation and arbitrator's award to set the company straight. Each Teamster received \$32,500—tax free. Ericson also reported that if the state seeks reimbursement for any benefits the drivers may have received during the loss of wages, then the company will have to ante up those monies also. Pictured with Ericson are (from left): Virgil Boyce, Thomas Grafton, Freddie Lyles and Don Cramer.

Seattle Local Sponsors Stewards' Seminar

nternational Vice President and Seattle, Washington Local 117 Secretary-Treasurer Arnie Weinmeister provided a day of training for his shop stewards in Seattle on January 20, 1990. A total of 90 stewards gave up a sunny January Saturday to participate in the local's stewards' seminar.

Weinmeister, who also serves as IBT Western Conference director, stressed the importance of the stewards' role in the labor relations process. He also relayed the thanks of the entire Local 117 membership for the stewards' hard work in helping to ensure that all members' rights are protected.

Stewards Brought Up-to-Date

The full-day program, conducted by IBT Education Department staff, Sally Payne and Cindy Impala, and local union staff, emphasized the importance of political action, organizing, and shop stewards' responsibilities. Seminar participants were brought up-todate by Teamsters Joint Council 28 Coordinator Cindy Zehnder on the importance of political action. Additionally, stewards were instructed on methods they could use to assist Local 117 Organizer Leonard Smith in organizing new members.

During the program, stewards dealt with mock contracts and grievance situations, and they came up with solutions to deal with these hypothetical situations. The stewards also broke into two work groups and actively participated in exercises designed to sharpen their representational skills. It was through these hands-on exercises that stewards came to recognize the complexity of contract interpretation and grievance handling.

Need for Additional Seminars Noted

After the seminar, in discussions with participants, Weinmeister ob-



(From left): Local 117 Organizer Leonard Smith, Steward David Pattison, Sally Payne of the IBT Education Department, International Vice President Arnie Weinmeister, Cindy Impala of the IBT Education Department, Steward Ken Vannice, and Local 117 Administrative Assistant John Williams.



Shop stewards from Local 117 were enthusiastic participants at the January seminar.



Western Conference Director Arnie Weinmeister (standing, far right) welcomed the stewards, stressing the importance of their role in today's workplace.

served that a seminar of this type probably "... raised even more questions than it answered. To help answer those questions, the business representatives of Local 117 will follow up at their individual shops and assist stewards in their specialized duties."

The participants stressed that they would like to see more of these programs in the future, dealing with even more detailed subjects. At the end of the day, Local 117 presented each steward with a certificate of completion in appreciation for their attendance at the program.



The stewards' seminar was the first ever in the history of the Seattle local.

The 1990 Census: Counting America's People and Housing

Counting the residents of a country as big and as vigorous as the United States is no easy task. Just ask the Census Bureau, which is preparing to take on the job for the 21st time, beginning in late March.

The Census Bureau, an agency of the Department of Commerce, expects to count some 250 million people and 106 million housing units across the country.

The 1990 Census will be a "do-it-yourself" count, taken almost entirely by mail. One questionnaire will be delivered to each housing unit. A short form containing 14 questions will go to five out of six households. A long form with 59 questions will go to the remaining households. An adult in each household will be asked to complete the form and return it by April 1—Census Day. In some rural areas, census workers will pick up or help residents complete their forms.

The primary use of census data has not changed since the very first census in 1790—to fairly apportion seats in the House of Representatives among the states, based on their populations. This provision was included in the Constitution by the Founding Fathers and is reflected in the changed makeup of the House after each census.

In addition, state and local governments responding to court decisions dealing with the principle of "one person, one vote" have adopted the use of census figures to redraw their election district boundaries.

As the sharing of federal and state revenues with counties and cities has increased in recent years, census numbers have also been used to allocate millions of dollars in program funds based on populations.

Today, government planners and business economic developers wouldn't think of pushing ahead with a new school, health clinic, or shopping center without first studying census information to make certain that the new facility is placed in the best possible location.

Such statistical information is tabulated from the answers contained on over 100 million questionnaires. The data are arranged by geographic areas at the national, regional, state, county, city, neighborhood, and even block levels. Individual responses on the questionnaires, however, are strictly confidential, by law, for the next 72 years. The resulting numerical mosaic is a demographic "snapshot" of America's people and housing as of April 1, 1990.

From the 18th Century to the end of the 20th Century, the census has chronicled the country's growth and change. The 1990 Census will provide the statistical springboard for the journey into the 21st century.

Bay Area Teamsters Honored



Joint Council 7 Trustee and San Francisco Local 350 Secretary-Treasurer Robert Morales (right) receives commendation plaque from Police Chief Frank M. Jordan for the local's round-the-clock relief work to aid victims of last October's earthquake in the Bay Area. Also commended were Local 350 President James Payton and San Francisco Local 278 President John Casaccia.



PROTECT YOUR
INTERESTS...INVEST
IN AMERICA
BUY AMERICAN WITH
THE UNION LABEL

union label & service trades dept., AFL-CIO

Local 6, St. Louis, MO Welcomes New Board



The officers and executive board members of Local 6, St. Louis, Missouri, were recently installed by Robert F. Lewis (far left), former secretary-treasurer of the local. Pictured with Lewis are (from left): John E. Adelsberger, trustee; Richard A. Schomaker, vice president; William A. Overkamp, Jr., president; John A. Wotawa, secretary-treasurer; Kenneth W. Lange, recording secretary; and Vince Salih and David Coleman, trustees. Local 6 is the oldest local union of any international union in Missouri.

1990 Irish American Teamster



Dan Kane (left), a member of Local 807, Long Island City, NY, assists Jack Lenihan, trustee of Local 807, in holding the trophy that was presented to him by the Irish American Teamsters as the Man of the Year for 1990. Lenihan has been an active Teamster for 42 years.

Teamsters Charge USAir with

Major Interference in Representation Election

charging that USAir illegally interfered in a union representation election for its 8,000 fleet service employees, the Teamsters Airline Division has challenged the results of the election.

"The election was tainted by management interference," said William F. Genoese, director of the Division. "We are asking the National Mediation Board either to certify us as the representative of the workers, or to order a new election."

The company, he said, ran a campaign of dirty tricks, master-minded by a union-busting attorney.

Mudslinging by Management Vexes Few Voters

The Division maintains that USAir intimidated the workers during a series of captive-audience meetings on the job. The company also sent out anti-labor literature and videotapes to the homes of the workers.

Of the 8,000 workers eligible to vote, nearly 2,400 voted for the Teamsters—far more than for any other union. However, the Teamsters fell short of getting the votes of 50 percent plus one of the eligible voters, as required in a National Mediation Board election.



Airline Division Director Bill Genoese (seated, far left) leads discussion to map out postelection strategy. The Teamsters Airlines Division has challenged the results of the election.

Company Has History Of Fighting Labor

USAir has a long history of antilabor activity. Back when it was Allegheny Airlines, it was cited by the National Mediation Board for this activity.

The Airline Division has represented USAir fleet service workers in Pittsburgh, Philadelphia, Boston, and Buffalo for many years. In 1988 the Teamsters won a system-wide fleet service election in spite of a vicious anti-worker campaign by the company.

The National Mediation Board ordered another election after USAir merged with Piedmont last summer

"The second election was unnecessary," a division spokesman said. "Under the rules and precedents of the board, we should have been certified as the representative of the combined USAir and Piedmont group."

In both the first and second elections, the company had concocted a plan to beat down the workers. It padded the eligibility list it gave the government, and it refused to give the Union the first names or the addresses of the workers.

"Top management went around to all the USAir stations and told the workers to burn their ballots," Genoese said. "This was totalitarianism. All we want is a free and fair election."

Ballots Went Out In Christmas Mail

The National Mediation Board sent out its mail ballots at the worst possible time—just 10 days before Christmas.

Never in the last 10 years had a major election begun just before Christmas. "Usually 80 percent of the ballots are returned in the first



Counting of the ballots at the National Mediation Board showed Teamsters received more votes than any other union. The results, however, fell short of 50 percent plus one, as required in an NMB election.

two weeks of the voting period," Genoese explained, "but in this election everyone was concentrating on the holidays."

The Union has called on Congressional oversight committees to investigate the Board's actions in the USAir election. "The Board permitted the company to interfere. It did everything the company wanted," Division leaders have charged. The Union has cited a decision by the Board in another case as a precedent for throwing out the election results.

Last year the Board conducted an election for flight attendants at America West Airlines. The Association of Flight Attendants failed to get a majority, but the Board voided the election in January and ordered a second vote because of company interference.

The Board concluded that "the laboratory conditions necessary for a fair election were contaminated" by America West.

"The interference by USAir was 20 times worse than anything America West did," Genoese said.

The Teamsters are still certified as the representatives of the fleet service workers at all stations which had been operated by USAir prior to the Piedmont merger.

Sterling Heights, Michigan, Teamsters Bring Spirit of Unionism to Life

ne of the sometimes forgotten objectives of the International Brotherhood of Teamsters, as stated in the Union's Constitution, is "To engage in community activities...."

A group of employees from the city of Sterling Heights, Michigan, represented by Teamsters Local 214 in Detroit, have taken that objective to heart and have proven that teamwork in community service can foster a stronger union.

The guiding force of the community involvement group is Local 214's Chief Steward Frank Conroy. Conroy, a nine-year employee of the Sterling Heights Department of Public Works (D.P.W.), began working in the community as a member of a food drive committee. Named the "Ken Stempowski Memorial Food Drive" in honor of a deceased member who started the drive in order to give Christmas baskets to underprivileged members of his church, the project burgeoned into a full-blown yearly charity drive.

Conroy had been impressed by the positive energy and good will engendered by the food drive. Shortly after his selection as chief steward, he began to look for other community projects.

At first, participation was light. "Our people do physical labor all day long," Conroy says. "It's asking a lot for them to give up evenings and weekends to do more physical labor. And you always have the scoffers and the people who say, "What's in it for me?"

Gradually, however, through force of will, example, and organizational skills learned as a Teamster steward, Conroy overcame this reluctance. In January of 1989, the group formally adopted the name, "D.P.W. Teamster Community Involvement Group."

"I don't think anyone could have foreseen the positive effects of this," Conroy says. "While the community has benefited, a by-product for us has been greater involvement of the membership in the Union."

"I'm all for it," said Joseph Valenti, Local 214 president. "We've offered to help in any way we can. We've seen a change in the Teamsters' image, community recognition, and a more cohesive, less apathetic bargaining unit. Our hope is that this will be a model program for others in our jurisdiction."

Since its formation, the group has been involved in the food drive, several paper and recycling drives, tree planting, city beautification, and cleanup campaigns. An environmental awareness award was presented to the group, and a member will soon join the Sterling Heights Community Beautification Commission.

"People are noticing the good work of this group, and the Teamsters are getting a good name in this community because of it," Valenti noted.

Members have also gotten their families involved in the work. One case in point is Teamster Bernie Stanek's daughter, Stacey, who made a mural with pictures of the ongoing

efforts. It hangs in the D.P.W. garage. Spouses and children, welcome at each work site, collect papers and rake leaves.

In one project, member Harry Brooks and his two children began a local cemetery cleanup campaign. A notice on the bulletin board brought almost half of the bargaining unit members out for three weeks of cleanups and repairs. Gravestones over 100 years old have been uncovered, and some of the members have now become interested in geneology.

Local 214 members are encouraged to get involved in any way they can. Two members, for example, are collecting old, broken bicycles, and are preparing and restoring them for needy children at Christmas.

The individual and team efforts have reminded members that a union stands for involvement for the purpose of bettering their lives. Frank Gorlitz, department steward, explained, "We don't just work for the city. Our homes and lives are here... our churches and our children's schools. What little we put in when helping others, we get back five times over, and it makes us feel



Members of the Local 214, City of Sterling Heights, Michigan, Community Involvement Team are (from left): Dan Browning, Bernie Stanek, John Ternes, Joe Ross, and Jeff Ryan.



elct

ry

rd n-

ne

ey

nd

nk

he

Stacey Stanek, daughter of Community Involvement Team member Bernie Stanek, prepared a mural depicting the group's ongoing projects. The mural hangs in the Sterling Heights Department of Public Works garage.

good about ourselves and our union."

Future projects are already being planned to include political involvement, participation in local parades, and generating interest among other Teamsters in their community.

As Business Agent James Markley stated, "The work of the Teamster Community Involvement Group has produced increased unification and has encouraged brotherhood, the very basis of unionism. Our unit is stronger and more 'together' than it has ever been. Our members provide valuable but largely invisible services to the community every day of their lives. It is nice to see some recognition come their way."

Part of that recognition comes in the way of community service awards, now on display in the City Hall lobby. Chief Steward Conroy was recently named "Employee of the Month" by his employer.

"When I received the award," Conroy said, "I felt I was accepting it on behalf of all 78 employees and their families."

Teamsters everywhere can be proud of the efforts of their Michigan brothers and sisters.

Local 776, Harrisburg, PA Wins NLRB Election



Teamsters Local 776, Harrisburg, Pennsylvania, was victorious by a 33–27 margin in a recent National Labor Relations Board election. Local 776 officials are pictured above with employees of the Mid-Atlantic Coca-Cola Bottling Co., Inc., of Shiremanstown, PA. Local 776 has been certified to represent the company's 64 driver/salesmen, bulk drivers, cooler mechanics, garage mechanics, forklift operators, inventory control clerks, and truck checkers.

Persistence Nets \$211,000 Settlement



Six Local 695, Madison, Wisconsin, Teamsters would agree that persistence indeed pays off. The local fought a years-long case against Dane County Dairy, which ultimately was found guilty of unfair labor practices and ordered to pay \$211,000 to the six former employees for lost wages and benefits. Pictured (from left) are: Louis Firari, retired recording secretary of the local who assisted in representing the Teamster members in their battle; John Bent; George Bordson; John Knoebel, secretary-treasurer of the local; Bernard Hagh, and George Andersen. Not pictured are Teamsters William Locke and Donald Ott.

ER

California Teamsters Host Political Leaders

the biggest names in California politics were on hand at a recent political seminar hosted by Local 70 in Oakland, California. The political message: Teamster members must get involved in the

political process.

Chuck Mack, the local's secretary-treasurer and president of San Francisco's Joint Council 7, placed the theme of political participation centerstage in his opening remarks. "We must redirect our energies, both political and economic," the Teamster leader said. "Participation is not only critical to our survival, but necessary if we are to be a major component in reshaping our society."

Speaking to the gathering via a telephone hookup from his Washington, D.C., office that was carried over the meeting hall's sound system, United States Senator Alan Cranston (D-CA) praised labor for its support of democratization in Eastern Europe. The Senator also reiterated his support for the Teamsters' position on drug testing of transportation employees—rejecting the concept of random testing as an intrusion on individual privacy rights.



(From left): Local 70 President Joe Silva, Speaker of the California Assembly Willie Brown, and Joint Council 7 President Chuck Mack.

Willie Brown, speaker of the California Assembly, galvanized the 250 stewards and members of Local 70 in attendance with a partisan call to advance the agenda of organized labor. Reviewing a list of social programs championed by the Democratic Party (including Social Security, the National Labor Relations Act, Medicare, and civil rights legislation), Brown encouraged Teamsters to work with the Democrats to protect this social legacy and to make advances for working people in the future.

IBT Legislative Director Dave Sweeney reviewed the backlog of legislation in Congress, and called for new legislation to end the practice of employers' terming workers as "independent contractors" rather than "employees," in an effort to avoid taxes and to skirt protective labor legislation. California Democratic Congresswoman Barbara Boxer also provided a view of activities in Washington, D.C., advising the Teamsters of her recent pro-labor votes in Congress and of the struggle constantly being waged to advance progressive legislation.

Jerry Brown, former governor and presidential candidate, spoke of his new role as head of the California Democratic Party. Stressing the need for labor involvement in a strong party organization, Brown said, "Power is the real issue. Your participation is critical to your success. We need to defeat our own paralysis and join our powerlessness into a movement." After the meeting, Brown expressed these same views to the San Francisco Examiner: "If you don't have a machine, a structure, a movement, all else is rhetoric, wrapped in cellophane around powerlessness."

A highlight of the local's political action seminar was the fact that its meeting was the first time in the campaign that both of California's announced Democratic gubernatorial candidates appeared



Former Governor of California and currently California Democratic Party chairman Jerry Brown (center) addressed the meeting. Flanking Brown are Joe Silva (left), Local 70, Oakland, CA, president, and Chuck Mack (right), Joint Council 7 president.

back-to-back on the same stage. Dianne Feinstein, former mayor of San Francisco, thanked the Teamsters Union, and specifically Chuck Mack and Joint Council 7, for their help in the past. The candidate then sounded the major themes of her campaign—education, crime,

roads, and jobs.

California Attornev General John Van de Kamp reminded the union members of his early criticism of a government takeover of the IBT and asked the Teamsters for support in his campaign. Van de Kamp criticized the unacceptable number of work-related deaths in California and expressed his commitment to reinstating CalOSHA, the state's workplace safety and health agency that was gutted last year by the current Republican governor. The Teamsters' political seminar was not held to endorse either candidate for governor, and both contenders were warmly received.

In an interview with the *Examiner*, Mack summed up the importance of the successful seminar by saying, "If we have been damaged politically, the only way to correct that is politically. The only way to turn this around is to be as militant in our political activity as we have been in our contract negotiations . . . and on the picket

line."

Australian Labor Delegation Visits Teamster Headquarters



The recent meeting held at the International headquarters in Washington, D.C., between the Teamster division and department heads and the Australian trade unionists (pictured clockwise): Fay Campbell, Lance Jamieson, Peter Stewart, Art Kane, Joe Konowe, Barry Sparks, Les Neander, Greg Garvin, and Paul Zimmerman.

delegation of six Australian trade unionists met recently with Teamster division and department directors and was treated to a tour of the IBT head-quarters in Washington, D.C.

Accompanying the Australian visitors was Paul Zimmerman, representing Joy Ann Grune of the North American Regional Office of the International Federation of Food and Allied Workers' Associations (IUF). The IUF functions as a liaison group between Geneva, Switzerland, and North America.

IBT Industrial Trades Division Director Joseph Konowe was designated by General President McCarthy to host the visit. The delegation included four officials who represent the manufacturing and distribution unions in the State of New South Wales, Australia: Lance Jamieson, state secretary and general vice president; Barry Sparks, joint general president and organizer; and Fay Campbell and Greg Garvin, organizers. Representing the Victoria Distribution Union, in the Australian State of Victoria, were Les Neander and

Peter Stewart, organizers.

The Australian labor representatives met with IBT staff from the Legal Department, the Information Center, the Education Department, and the Economics Department. Also on hand during their visit was Robert T. Flynn, International Organizer.

Norman Weintraub, IBT chief economist and director of the Economics Department, discussed a recent report prepared and distributed by his department on current economic data for collective bargaining, and answered questions from the visiting delegates on how the statistics might relate to union contracts in Australia.

Education Department Director Art Kane explained to the Australians the work of his department as it pertains to local unions' officers, shop stewards, and rankand-file members. He also detailed the types of educational seminars offered to members by the International Union, including the operation of the Teamsters Leadership Academy sessions held at the International in Washington, D.C.

Also meeting with the visiting labor leaders was IBT Associate General Counsel Gary Witlen, who discussed differences between U.S. labor laws and those of Australia. In addition, Witlen spoke about the issue of union busting and what Teamsters were doing to counteract moves by anti-union consulting firms and employers.

Ann Thompson, director of the IBT Information Center, spoke with the Australian delegation about the need for unions to obtain accurate background data when dealing with multinational conglomerates in organizing campaigns and when conducting contract negotiations.

Winding up the meeting, Director Konowe discussed changes which have taken place in the worldwide labor community over the past 50 years, and gave an overview of what is ahead for the labor movement in the year 2000.

A tour of the International headquarters concluded their visit.

Pittsburg, PA Back Pay Award



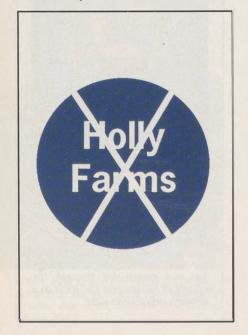
Pittsburgh, Pennsylvania, Local 249 member Harry Taylor (right), an employee of United Service Company, receives a back pay award of \$6,500 presented by Local 249 Business Agent William M. Barker. Taylor had been discharged unjustly, but was exonerated through the efforts of Barker and the local in a binding arbitration case.

Don't Buy Holly Farms Chickens . . . And You'll Make the Difference!

even though the U.S. Government, in March, 1989, certified the Teamsters as legal bargaining agent for drivers working for Holly Farms, Holly Farms still refuses to recognize the drivers' union. It transferred its trucks to Tyson Foods, forming a powerful, multimillion dollar corporate combine to crush its employees' rights under federal labor law. A host of complaints by the National Labor Relations Board have been ignored by Holly Farms/Tyson Foods as these outlaw corporations thumb their noses at the U.S. Government.

More and more fair-minded Americans are joining the boycott of Holly Farms/Tyson Foods chickens. Won't you help this small band of ordinary American workers stand up to the combined greed of two corporate giants who think they are above the law?

Don't buy Holly Farms/Tyson Foods chickens. Please help a fellow worker fight terrifying corporate power. A Holly Farms chicken is a Scabby Bird.



DON'T BUY HOLLY FARMS/ TYSON FOODS Chickens

They Are Despicable Birds

This outlaw corporate conspiracy refuses to bargain with the Teamsters even though the U.S. government has certifed Teamsters as the legal bargaining agent for Holly Farms drivers.

Numerous complaints by the National Labor Relations Board have been blatantly ignored by Holly Farms which joined with Tyson Foods to crush its drivers.

All the drivers were doing

was seeking a fair deal.

Help Teamsters drivers win this strike against an outlaw corporate conspiracy. All workers have a stake in this one. Who's next if these workers lose?

Many fair minded Americans have joined the boycott. Don't spend your money with greedy, multi-million dollar, outlaw corporations fighting ordinary people who are just trying to make ends meet.

If You Don't Buy, You'll Make the Difference

For more information contact:

Teamster Local 391
Box 929
Kernersville, NC 27285
(919) 668-0441

Teamster Locals Take a Stand: DRIVE Makes a Difference



Members of Local 588, Hayward, California, employed by EMCO, signed up recently for DRIVE.



UPS workers in Glenwood Springs, Colorado, proudly wear new DRIVE hats. They are members of Local 17, Denver.



UPS workers from all over Arkansas who are members of Local 878, Little Rock, AR, signed up to participate in DRIVE.



Sterling, Colorado, UPS workers, who are members of Local 17, Denver, recently signed up for DRIVE.



The October general membership meeting of Local 17, held in Colorado Springs, Colorado, saw a 100 percent sign-up for DRIVE.

Report IX to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I The Proposed Election Rules

As I told you in my last Report, the Election Officer, Michael H. Holland, has been working on a draft of proposed rules which will govern the nominations and elections of the 1990–91 International Union Convention Delegates and International Officers. Those rules are now finished and in late February 1990, Mr. Holland mailed copies of the proposed rules to all IBT affiliates. If you have not seen the proposed rules and would like to, the Election Officer's office in Washington, D.C. will make available copies of them to any IBT officer or member upon request.

As already noted, the rules are in proposal form only. Mr. Holland will be holding hearings in seven (7) cities during March for the purpose of receiving comments concerning the proposals. In the box to the right is a list of the dates, times, and locations of hearings to be held in San Francisco; Seattle; White Plains, NY; Baltimore; Chicago; Memphis; and Cleveland. Soon after these hearings are conducted, a hearing will also be scheduled for Canada, to be held either in Montreal or Toronto.

At the hearings, Mr. Holland will invite IBT officers and members to present their views, either orally or in writing, on the proposed rules. If you would like to comment in writing on the rules prior to the hearings, please send your comments to the Election Officer's office. Written comments can be received any time up to March 30, 1990.

No news media representatives will be permitted inside the hearing room. IBT officers and members should bring identification sufficient for admission. Acceptable forms include either a local union card or a dues receipt and driver's license.

Depending upon the number of people who request to speak, the time for oral comments may be limited. If you are interested in appearing and making comments on the proposed rules, you can make an advance request by writing to the Election Officer at his office in Washington, D.C., identifying the city at which you would like to appear and comment. A sign-in sheet will also be available at each hearing location. After receiving comments concerning the proposed rules at these hearings, Mr. Holland will set aside time to take questions from IBT officers and members in attendance.

SAN FRANCISCO, CALIFORNIA

Tuesday, MARCH 6th; 1:30 p.m. to 4:30 p.m.
San Francisco Airport Hilton
San Francisco International Airport

SEATTLE, WASHINGTON

Wednesday, MARCH 7th; 1:30 p.m. to 4:30 p.m. Red Lion Inn 18740 Pacific Highway South Courtesy shuttle bus from airport provided by Hotel

WHITE PLAINS, NEW YORK

Tuesday, MARCH 13th; 1:30 p.m. to 4:30 p.m. White Plains Hotel
South Broadway & Lyon Place

BALTIMORE, MARYLAND

Wednesday, MARCH 14th; 1:30 p.m. to 4:30 p.m.
Baltimore Omni
101 W. Fayette Street
Shuttle van available from
Baltimore Washington International Airport — \$5.75

ROSEMONT, ILLINOIS

Friday, MARCH 16th; 1:30 p.m. to 4:30 p.m. Sheraton International at O'Hare 6810 North Manheim Road Courtesy shuttle bus from airport provided by Hotel

MEMPHIS, TENNESSEE

Tuesday, MARCH 20th; 1:30 p.m. to 4:30 p.m. Brownstone Hotel (formerly the Sheraton) 300 North Second

CLEVELAND, OHIO

Wednesday, MARCH 21st; 1:30 p.m. to 4:30 p.m. Holiday Inn (Lakeside Avenue) 1111 Lakeside Avenue Van service from aiport — \$5.00

After conducting these hearings and reviewing the written comments submitted, on or about April 15, 1990, Mr. Holland will adopt final rules which will govern the nominations and elections of the 1990–91 International Union Convention Delegates and International Officers, and distribute them to all IBT affiliates.

The Election Officer is making great strides in implementing one of the main goals of the Consent Order—secret ballot elections of IBT Convention Delegates and of the IBT leadership. Of course, the Election Officer's efforts will be in vain without the support and participation of the IBT rank and file. Thus, I again urge you to participate in the election

process. While I understand that many of you will be unable to attend the hearings, you can still participate by reviewing the rules on your own and submitting written comments to the Election Officer. In fact, simply discussing the rules and the Election Officer's work with your fellow union members will contribute to making this election process a success.

II An Update on the Election Officer's Survey

In my Report VIII, I told you about a survey the Election Officer had distributed to each IBT Local. The purpose of the survey is to gather general information concerning your Local's past election practices. As of February 9, 1990, nearly 60% of the IBT Locals, over 375, have returned completed surveys. We are encouraged by this response. I once again urge those Locals who have yet to return the completed survey to do so as quickly as possible. Questions concerning the survey can be directed to the Election Officer at his office in Washington, D.C.

III Conclusion

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae 520 Madison Avenue, 30th Floor New York, NY 10022

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland, Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue, N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Attention All Members NOTIFY YOUR LOCAL UNION

If the mailing address on your mailing label is incorrect . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

NO. ABOVE NAME			_
NAME			
STREET			
CITY	STATE	ZIP CODE	

MARCH 1990

Baking Industry and Teamster Labor Conference Holds Executive Committee Meeting

he Baking Industry and Teamster Labor Conference (BITLC) convened its semiannual Executive Committee meeting in Rancho Mirage, California, on February 7-8, 1990.

Cochairman Robert Meidel, director of the Teamsters National Bakery Conference of USA & Canada, and Anthony Presutto of Entenmann's, Inc., opened the meeting, which included reports from four labor-management task forces. During the session, the Committee agreed to create a fifth task force, designed to study methods of reducing potential exposure to diesel exhaust.



Janis DiMonaco, president of Health Management, Inc. of Springfield, MA, and Chuck Gagnon, representative, Eastern Conference of Teamsters.

"Wellness" Programs In the Industry

Management of rising health care costs and stability of benefits remain important issues for labormanagement cooperation in the industry. The Wellness Programs task force, chaired by John Ellingboe of Interstate Brands Corporation, Kansas City, Missouri, reported on the results of its survey of baking companies and Teamster locals. While the survey data was not conclusive, he noted, it appeared that companies and locals had fewer wellness programs than national averages would predict, and that there was considerable interest in the BITLC's development of a low-cost, flexible wellness program for bakery drivers and their families.

The Executive Committee reviewed a draft handbook on wellness programs that outlines the process and components of a lowcost program, and decided to approve the selection of a pilot site to test its viability.

The Wellness Programs task force also forwarded the recommendation that the BITLC convene an annual meeting of all of its baking company and Teamster local union members in order to generate better communication. Proposing a specific focus on medical care costs and access, the Task Force received approval to proceed with the planning for such a general membership meeting and seminar during 1990.

Substance abuse and drug testing are also of paramount concern for the BITLC. The Substance Abuse Task Force, chaired by Robert Marciel, secretary-treasurer of Local 63, Los Angeles, CA, presented a report on the implementation of the BITLC's model policy and contract language in Southern California. After the presentation, the task force also announced its intention of meeting in March to recommend appropriate coordi-



(From left): David Allshouse of Stroehmann Bakeries, Inc., Tony Presutto of Entenmann's, Dick Cook of Interstate Baking Company, BITLC Attorney Ken Hickey, and Robert Marshall of John J. Nissen Baking Co.

nation between the BITLC's policy and Department of Transportation (DOT) testing requirements.

The Driver Safety Task Force, chaired by Louis Pasquesi, Jr., of Gonnella Baking Company, Chicago, IL, presented a plan to recognize the safe driving practices and outstanding performance of bakery drivers. Included in the recognition program are BITLC safe driver arm patches, truck decals, and certificates with which bakery drivers can be recognized by both labor and management for their safe driving records.

Pension Issues **Under Consideration**

The Pension Issues Task Force,



(Seated, from left): Robert Trachsel, business representative of Milwaukee, WI, Local 344, and Robert Meidel, secretary-treasurer of Joint Council 25 in Chicago, Central Conference of Teamsters Bakery Trade Division chairman, and director of the IBT Bakery Conference. (Standing, from left): Janis DiMonaco, president of Health Management Center, Inc.; Chuck Gagnon, representative, Eastern Conference of Teamsters; Bill Blair of Entenmann's Oroweat; Jack Ellingboe of Interstate Bakeries, Inc.; and David Allshouse of Stroehmann Bakeries, Inc.

chaired by International Representative Robert Flynn, reported on its initial work with Pennsylvania Teamster leaders and area employers on resolving pension reciprocity and credit problems.

Diesel Exhaust Exposure To be Studied

The Executive Committee heard and approved a proposal by Robert Trachsel, Local 344, Milwaukee, WI, to study methods of limiting exposure to diesel exhaust. Noting that health risk thresholds are not fully established, he agreed to chair the joint discussion of the means available to reduce potential exposure.

The meeting concluded with an administrative report from Cynthia Kunz, BITLC director. She reported on last year's successful membership drive among Teamster local unions and conferences which has yielded new members and two new Teamster local union officials interested in serving on BITLC labor-management task forces.

Questions about BITLC task forces, publications, or other work may be directed to: Cynthia Kunz, Director, BITLC, 4590 MacArthur Boulevard, Suite 200, Washington, D.C., 20007 (202) 337-1502.

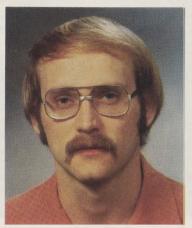


International Vice President Jack D. Cox (left) and President Dino Apedaile, Local 222, Salt Lake City, Utah.

Good Samaritan Teamster Becomes Hero in Ohio

Earlier this winter on Christmas Day, December 25, 1989, Teamster member Gary R. Messner of Teamster Bakery Drivers Local 52 in Cleveland, Ohio, helped save the life of an accident victim, an 80-year-old resident of Medina, in the Wayne County, Wooster area of Ohio south of Cleveland.

After the woman had failed to negotiate a curve on a major highway, her car ran off the road, struck a guardrail, and flipped over in a creek filled



Local 52's Gary R. Messner.

with four feet of muddy and icy water. The victim was trapped in her car. First on the scene was a police sergeant from the Wayne County Sheriff's Department. Messner, who happened to be driving past the scene of the accident while taking a relative to work, stopped to offer assistance.

According to Wooster's newspaper, *The Daily Record*, "the car came to rest in a creekbed with four feet of water, which was flowing into the car. . . . The right rear passenger door was locked, . . . and an axe was used to break out the right rear passenger window."

Messner and the deputy sheriff together managed to free the victim from her car, despite the dangerously frigid conditions and the precarious position of the vehicle.

Melody Snure, managing editor of *The Daily Record*, in a recent interview, expressed her confidence that either the state police or the County Sheriff's Department will be giving Messner official recognition for his heroic act.

Fellow Teamsters can surely be proud of this brave humanitarian, who is proof positive that Teamsters are "people helping people."

26th TLA Class



Local union officials from the U.S. and Canada attended the 26th class of the Teamster Leadership Academy at the International headquarters. Some 30 local representatives participated in the classes, which are offered regularly throughout the year by the IBT Education Department.

Teamster Locals Contribute to DRIVE



Jim Reese (left), DRIVE representative, assisted in signing up Eagle Food employees from Local 371, Rock Island, IL. Reese was of great assistance to the local in spearheading this important effort. DRIVE participation has become a priority for the local, and the officers are aiming for a record-breaking participation rate.



Teamster members recently joined in celebrating the birthday of Congressman Alan Wheat (D-MO). Joining in the annual fund-raising event were (from left): Asie Mahone, Local 41, Kansas City, MO, DRIVE representative; U.S. Congressman Dick Gephardt (D-MO); former Congressman Richard Bolling, Wheat's predecessor; and Congressman Wheat, who is on the U.S. House of Representatives Rules Committee.





UPS workers of Local 480, Nashville, TN, (above, left and right) signed up for DRIVE with the assistance of DRIVE Representative T. Tommy Cutrer.



Teamster retirees from Joint Council 44 chapter, Toledo, OH, are working to promote the DRIVE program throughout the country.



Jack Ancona, DRIVE representative, signed up 100% of Yellow Freight shop workers from Local 552, Kansas City, MO.

Modesto, California, Members Continue Teamster Tradition of "Sharing with Others."



The kitchen assembly line—Local 748 stule.

or the third consecutive year, Teamsters Local 748, Modesto, California, has opened the doors of its union hall to host a holiday dinner to needy and homeless families in their area.

Under the supervision of Secretary-Treasurer Ron Ashlock and with the assistance of community volunteers, the Teamster local provided again this year a seasonal feast, with all the trimmings, for over 500 people.

Lion's Share of Support Comes from Members

Local 748, a cannery, food processing, and related industries local, received donations for the annual event from various local companies and businesses. But the lion's share of support comes from the members and their families

who volunteer their holiday to decorate the hall, and prepare and serve a sumptuous meal to hungry visitors.

"Because we are members of a union," says Secretary-Treasurer Ashlock, "we are accustomed to helping our brothers and sisters in our Union family, but in our busy lives we seldom stop to seriously pay attention to the problems others are having.

Increases Public's Awareness of Homelessness

"Through the news coverage our annual dinner has generated, we have increased public awareness of the problems the homeless must face daily," he said. "We are proud that as Teamsters," added Local 748 Business Agent Martha Jantzen, "we are continuing the Union tradition of helping and sharing with others...."

"The support from the community and the eagerness of our local's staff to share their holiday with so many others is very inspiring," Jantzen explained. "This kind of sharing makes the season so much more meaningful; you get a feeling you have to experience it, to really understand."

The many other Teamster locals which sponsor similar community-based events each year do share that sentiment, and understand the true meaning of brotherhood.

Teamsters Raise Funds For Big Brothers



Teamster members of Local 795, Wichita, Kansas, employed by Dillon Stores Co., recently helped raise funds for the Big Brothers of Kansas. The drive was originated by members of the Typographical Union who work for the Hutchinson, KS, News. At the presentation of an \$800 check are (from left) Wayne Goertzen and Clyde Newton of the Typographical Union, and Dennis Friesen of Local 795.

Timely Tips for Taxpayers

eamster families preparing to do their 1989 tax returns may find the following tax tips, taken from Publication 17 from the IRS, useful while filling out their tax forms for the April 15, 1990 deadline.

What You Should Know About Charitable Contributions

You may deduct charitable contributions as an itemized deduction on Schedule A (Form 1040), subject to certain limits. A charitable contribution is a contribution or gift to, or for the use of, a qualified organization.

You may deduct contributions to:

- Churches, Salvation Army, Red Cross, CARE, Goodwill Industries, United Way, Boy Scouts, Girl Scouts, Boys and Girls Club of America, etc.
- Veterans' groups
- Nonprofit schools and hospitals
- Federal, state, and local governments, if the gifts are solely for public purposes
- Civil defense organizations
- Public parks and recreation facilities

You may not deduct as contributions:

- Dues, fees, or bills paid to country clubs, lodges, fraternal orders, or similar groups
- Cost of raffle, bingo, or lottery tickets
- Tuition
- Value of your time or services
- Value of blood given to a blood bank
- Donations to homeowners' associations
- Gifts to individuals
- Political contributions

Your deduction for charitable contributions is generally limited to 50 percent of your adjusted gross income, but in some cases 20 percent and 30 percent limits may apply.

Nonbusiness Casualty And Theft Losses

As result of hurricanes, earthquakes, tornadoes, fires, vandalism, car accidents, floods, and similar events, many people suffer damage to their property. When property is damaged or destroyed by an event like this, it is called a casualty. The loss you have because of a casualty may be deductible on your federal income tax return.

If your property is stolen, you may have a deductible theft loss. You must file Form 1040 and itemize your deductions on Schedule A to be able to claim a casualty or theft loss of nonbusiness property. You cannot claim these losses if you file Form 1040A or Form 1040EZ.

You must reduce each casualty or theft loss on nonbusiness property by \$100. You must further reduce the total of your casualty and theft losses for the year on nonbusiness property by 10 percent of your adjusted gross income. If these amounts are more than your losses, you do not have a casualty or theft loss deduction.

Car and Other Employee Business Expenses

Important Changes of 1989

- Standard Mileage Rate—The standard mileage rate for 1989 is 25½ cents per mile for the first 15,000 miles and 11 cents per mile for all miles over 15,000 and for fully depreciated business vehicles.
- Employee Business Expenses—These expenses may now be claimed as itemized deductions only. You must itemize your de-

ductions on Schedule A (Form 1040) in order to deduct any employee business expenses. If your expenses are reimbursed under an accountable plan, the reimbursement will not be included on your Form W-2, so you will not need to deduct the expenses.

• Nonaccountable plans—Your employee business expenses are treated as if they are unreimbursed if your employer uses a nonaccountable plan to reimburse you for the expense. Beginning in 1990, employers will be required to withhold income and employment taxes on amounts paid under such a plan.

Transportation Expenses

Transportation expenses are the ordinary and necessary expenses of getting from one work place to another in the course of your business, profession, or job when you are not traveling away from home. Expenses for transportation while traveling away from home may be deductible as travel expenses.

• Trips from a union hall, where you get your work assignments, to your place of work are nondeductible commuting expenses.

Example: You are a banquet waitress who works at several locations in your hometown area. Your union requires you to appear at the union hall to receive your work assignment for the day. Although you need the union to get the job, you are employed where you work, not where the union hall is located. Therefore, you cannot deduct the trips from your union hall to your place of work.

Child and Dependent Care Credit

Important Changes for 1989

• Dependent Child's Age Lowered—Your dependent child can be a qualifying person only if the child is disabled, or is under the age of 13.

- Provider Identification—You must identify the individual or organization that provides care for your child or other dependent. If your return does not contain the required information, your credit may be disallowed.
- Employer-provided Care—You must reduce the dollar limit for your work-related expenses by any employer-provided dependent care benefits you can exclude from income.

Other Credits

- Earned income credit—For tax years beginning in 1989, if your earned income is less than \$19,340 and you have a child who lives with you for more than half the year, you may be entitled to a credit. The credit could be as much as \$910 (see separate story in this issue, page 32 and inside back cover.)
- Mortgage Interest Credit— Mortgage credit certificates issued by state and local governments may entitle a certificate holder to a mortgage interest credit. The certificate must be used in connection with the purchase, qualified rehabilitation, or qualified home improvement of the certificate holder's main home.

Refundable Credits You Should Know

et

0-

ar

n-

The following credits are refundable and are treated as payments of tax:

- Earned income credit
- Credit for excess Social Security tax or railroad retirement tax withheld
- Credit from a regulated investment company
- Credit on diesel-powered highway vehicles

This Flag Won't Burn



Members of Teamster Local 11 from Clifton, New Jersey, employed by J. Supar & Son Trucking & Rigging Co. of Harrison, NJ, are proud of this American flag "that won't burn." Made of armor-plate steel, the "flag" weighs some 1600 pounds.

Teamster Member Wins George Meany Award



Maria S. Romero, a member of Teamsters Local 983, Pocatello, Idaho, was presented with the George Meany Award by William T. Luddy, secretary-treasurer of Local 983. This award is organized labor's highest award for service to youths through the program of the Boy Scouts of America. Mrs. Romero is the first Teamster and the first woman to receive this award in the state of Idaho. She also has Idaho's only bilingual scout troup, which is comprised of Hispanic and Anglo-American youth leaders from a three-county area.

Teamster Local in Western Canada

Holds Stewards' Seminars

reamsters Local 213 in Vancouver, British Columbia, recently held two major stewards' seminars which were arranged by Secretary-Treasurer Ed MacIntosh with financial assistance from the Canadian Conference's federally funded Education Department. MacIntosh had stressed the importance of these seminars in view of the changing labor relations climate and was pleased with the enthusiastic turnout.

Forty participants attended the seminar held in Vernon, B.C., for the Local 213 stewards in the Province's interior, and 64 stewards participated in the workshop held in Vancouver for the lower mainland area.

The course content, similar for both seminars, was geared to provide the stewards with insight into the current labor scene as well as with the input necessary to meet these growing challenges. Art Kane, director of the IBT Education Department, conducted both workshops.

MacIntosh welcomed the partic-



IBT Education Director Art Kane explains grievance handling to the participants.

ipants and outlined the agenda which, he observed, would "include matters of concern to all shop stewards, from those who have just started in this field to those with many years of experience." The agenda included an update on Local 213's Health and Benefit Program, presented by Kenneth Priddle, administrator of the plan. MacIntosh then intro-

duced Kane, who began by explaining the purpose and specifics of the program.

Kane commenced the workshop with a detailed analysis of the duties and responsibilities of the Teamster steward. Working from a "Stewards' Questionnaire," the participants covered material ranging from the role of the steward, to possible situations facing stewards on the job, to the types and sources of information they require for increased effectiveness.

Next, the participants paid special attention to the complete grievance procedure. After examining in detail its different aspects, such as determining a legitimate grievance, the proper handling of grievances, and the principles involved in dispute settlement, the participants divided into work groups. Through active participation and role-playing in mock grievance cases, the stewards obtained firsthand knowledge and appreciation of the whole grievance procedure.

To wrap up, Kane turned to an analysis of contract language and covered a mock contract with specifics such as union repre-



Local 213 Secretary-Treasurer Ed MacIntosh (standing) welcomed the participants and outlined the agenda.



Attendance at the seminars exceeded all expectations.

sentation, labor/management cooperation, equal employment opportunity, alcoholism and drug abuse.

The program was highly praised by all in attendance. In thanking Kane on behalf of Local 213, MacIntosh observed, "We are unanimous in our assessment that these were the best seminars our local has held to date, and we are indebted to the IBT for enabling us to benefit from such expertise. We would also like to give our special thanks to the Canadian Conference for the funding and assistance that made these seminars possible."

Local 665 Wins Breakthrough Election



Teamsters Local 665 in Daly City, CA, in the San Francisco and San Mateo areas, recently won an election in a unit of 300, and was certified by the Labor Board at Supershuttle of San Francisco, after successfully negotiating the first labor agreement in this industry. The offer was overwhelmingly ratified, resulting in what is believed to be the first collective bargaining agreement covering this form of airport ground transportation. The special rank-and-file organizing and negotiating committee consisted of (from left): Claudio Vega, Carla Faulkner, Local 665 Business Agent Bruce Kuhn, Vice President and lead organizer Richard Rodriguez, Greg Kemble, and John Kiernan.

SOCIAL SECURITY? MANY STORY. Social Security will be paying benefits for retirement, dis ability, and to survivors, well into the next century. And it's working today in ways you may never have expected Get the whole story about how Social Security is working for you. Write for the free booklet, "Social Security, How it works for you." Send your name and address to: **Social Security** Pueblo, Colorado 81009 Social Security. It never stops working.

10

e

ie

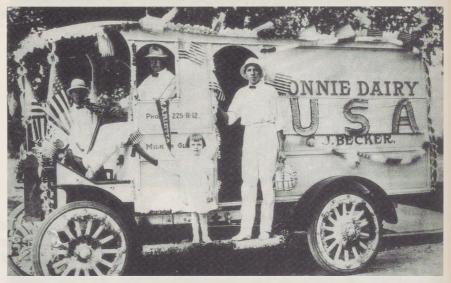
The Way We Were . . .

ilk drivers played an important part in the formation of the Teamsters Union.

Teamsters won an important breakthrough in St. Louis toward the end of 1919, when the Peveley Dairy Co., one of the richest in the city, signed a shop agreement with a Teamster local after more than three years of serious labor unrest. Peveley had fought the Teamsters tooth and nail in that period, from enlisting strikebreakers to employing new and untrained employees.

When the Teamsters managed to organize the men who had taken their jobs, management threw up its hands in surrender. It was largely a situation, in then Teamster President Dan Tobin's estimation, where management slowly began to learn the problems of labor and the ends to which union men would go to have their lot eased.

To the North, there was a similar expansion of common interest, and in the following year the Teamsters affiliated themselves with the Canadian Trades and Labour Congress.



Marietta, Ohio, got its first motorized milk truck (shown above) in 1914. The "Little Giant," as it was known, won first place in the town's Fourth of July parade. (Photo credit: S. Durward Hoag)

Teamsters Local 464 in Vancouver, British Columbia, which still represents dairy workers, entered into a one-page agreement with Valley Dairy Limited on June 15, 1919, that provided union security and a six-day workweek.

The labor agreement provided for the following minimum monthly scale of wages:

Driver Salesmen, Retail	\$ 95.00
Truck Drivers	115.00
Helpers	100.00
Dairymen	135.00
Checkers	115.00
Stable Foremen	115.00
Stable Helpers	100.00
All other inside help	100.00
Route Foremen	152.50

. . . The Way We Are

heard a squelch or cry and I thought it was an animal. I never expected it to be a baby."

So said Joe Ryder, a 32-year-old member of Local 463, Philadelphia, PA, after finding an infant girl at 3:00 AM, while he was carrying boxes of Entenmann's marble cake and cheese-filled buns into a store in Pine Hill, NJ.

Ryder's discovery kicked off a search by the police, the Camden County Prosecuter's office and the state Division of Youth and Family Services (DYFS) for the girl's parents, according to the *Philadelphia Inquirer*. Dubbed "Autumn Doe" by authorities, the Caucasian girl weighs 9¾ lbs., is 21 inches long and has blue eyes and a full head of brown hair.

"I got out of my truck and went into the store to check my rack. I didn't see the baby then and I was gone for no more than five minutes. When I came out this cardboard soda box was directly in front of my truck.

"It made a noise. I thought maybe, it was a dog or kitten. When I saw it was a baby, I can't tell you how I felt. Immediately, I looked all around, but I didn't see a car or anybody.

"It must have been dropped after I went into the store the first time," Ryder told the *Inquirer*. "They probably dropped it where I would find it." A white towel, a white sheet, and a thermal blanket were in the box to keep the baby warm, but it held no clues to who her parents might be.

Ryder, the father of three young children, struggled to understand the reason why someone would abandon an infant. "I've been thinking about it . . . ," he told the *Courier-Post*.

"I feel real sorry for the mother, and I hope she gets some help." The DYFS sought court-awarded custody of the child to place her in temporary foster care until she can be adopted or claimed by relatives.

The Teamster member told the newspapers that he had asked to be transferred out of North Philadelphia and into the suburbs "to escape the insanity. . . . But despite all the people wasting their lives on drugs, I had never run into anything as sad as this," he said.

IBT Responds to Personal Rights Causes

he year is 1990 and the world is changing at a rapid pace. Many Americans are concerned about personal and private issues becoming political dynamite. Recently, a number of Teamster members have written to General President William J. McCarthy asking what the Union's stand is on personal rights issues.

"The IBT," McCarthy believes, "considers moral issues to be, by their very nature, a concern of individual citizens; these concerns would be more effectively

addressed in other forums.'

On this page, you will find a copy of a letter from the Teamsters General President which states the IBT's current policy in response to requests for the Union's support for various non-worker causes.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
CHAUFFEURS • WAREHOUSEMEN & HELPERS
OF AMERICA
AFL-CIO

25 LOUISIANA AVENUE, N.W. . WASHINGTON, D.C. 20001



Dear Brothers and Sisters:

The International Brotherhood of Teamsters does not take policy positions on issues clearly involving personal rights. Moral issues are resolved best through deliberation by the U.S. Congress or through interpretation of the U.S. Constitution by the nation's courts system. For over 200 years, the U.S. Constitution has provided the framework for such decisions to be made. It is simply not the place of a labor union to make policy decisions regarding such highly personal, non-worker concerns.

Through our official journal, *The International Teamster* magazine, and in various other of our publications, our purpose is to report on news directly involving the members and their rights as workers. This is one of the primary reasons why we, and other labor unions exist—for workers,

not on behalf of the public in general.

It is hoped that you will choose to inform your members of Congress about your views, so that they will be kept abreast of important constituent opinions.

Sincerely and fraternally,

William J. McCarth General President

e

10

os

ie

Immigrants: A Growing Element Of the U.S. Population and Work Force

mmigrants represent a broad spectrum of social and educational backgrounds. Economic opportunity and political refuge remain primary factors in the number of legal and illegal immigrants who will continue to enter the United States. Due to the rapid-growing populations of Latin America, with an expected growth of 150 million by the year 2000, the highest number of entrants will be from this region.

Reports have recently indicated that the Bush Administration has raised the immigration admission level by approximately eight percent for the next fiscal year. This figure will include openings for 50,000 from the Soviet Union (which includes an estimated backlog of 20,000 Soviet emigres in Rome, Italy, and Vienna, Austria, who are awaiting U.S. decisions on their eligibility to enter the United States). These figures do not include the 100-300,000 undocumented immigrants who come to the U. S. each year, 70 percent of whom are estimated to be Hispanic. The most recent Census Bureau estimates suggest that the number of illegals residing in the U.S. may be between three and six million.

From Historic Migration To the Present

During the early 1900s, immigration to the United States was at its highest level, averaging 880,000 entrants annually compared to an average 575,000 per year during the 1980s. Differences in past and present immigration levels are related to total U.S. population. The average annual number of immigrants admitted from 1980–87 was 2.4 immigrants per thousand U.S. inhabitants. This is in contrast to 10.4 immigrants during the 1901–1920 period—

many of these immigrants being part of our now retired American workforce.

The lowest point of U.S. immigration began with the Great Depression and ended at the conclusion of World War II. Legal immigration has continued to increase as aliens have legalized under the provision of the Immigration Reform and Control Act of 1986. These aliens are eligible to apply for permanent residence beginning this year.

The leading six states of intended residence for new immigrants in 1987 were California, New York, Florida, Texas, New Jersey, and Illinois. These states, which had 38.4 percent of the total U.S. population in 1987, were the intended residence of 71.4 percent of all immigrants admitted into the country. The leading metropolitan areas of intended residence are shown on the accompanying table.

Approximately 40 percent of all

Immigrants Admitted for Top 20 Metropolitan Areas of Intended Residence

Metropolitan Area Intended Residence	1988	1987	Percentage of Change
New York, NY	93,106	97,510	4.5 decrease
Los Angeles-Long			
Beach, CA	88,211	64,453	36.9 increase
Miami-Hialeah, FL	38,259	37,887	1.0 increase
Chicago, IL	21,183	20,297	4.4 increase
Washington, D.C.,			
Maryland, Virginia	18,032	17,936	0.5 increase
San Francisco, CA	16,100	16,234	0.8 decrease
Anaheim-Santa Anna, CA	14,078	12,998	8.3 increase
San Diego, CA	13,351	12,706	5.1 increase
San Jose, CA	12,146	11,152	8.9 increase
Boston, MA	11,990	10,705	12.0 increase
Houston, TX	11,131	11,399	2.4 decrease
Oakland, CA	11,001	10,920	0.7 increase
Newark, NJ	10,041	9,186	9.3 increase
Philadelphia, PA,			
New Jersey	8,975	7,962	12.7 increase
Nassau-Suffolk, NY	8,374	8,359	0.2 increase
Bergen-Passaic, NJ	8,219	8,229	0.1 decrease
Dallas, TX	7,115	7,475	4.8 decrease
West Palm Beach, FL	6,637	2,161	207.1 increase
Riverside-San Bernardino			
California	5,960	5,177	15.1 increase
Seattle, WA	5,937	5,807	2.2 increase
Other Metropolitan Areas	188,659	182,157	3.6 increase
Non-Metropolitan Areas	44,520	40,806	9.1 increase
TOTAL	643,025	601,516	6.9 increase

Source: Statistical Analysis Division, Immigration and Naturalization Service, Washington, D.C.

immigrants admitted in 1987 reported having an occupation at the time of entry. Immigrants qualifying for immigrant status based on their job skills under occupational preference constituted 3.9 percent of the total admitted.

Permanent Occupational Certifications

ie nt

0

e

11

Each year the U.S. Department of Labor grants legal entry to immigrants who have applied for and have met the requirements of "permanent occupational certification"—specifically, those who perform services of exceptional nature, or persons who are capable of performing such services of labor that cannot be readily found in this country.

Among the groups most familiar to Americans are the agricultural workers and general home maintenance laborers, but there is a rapidly emerging demand for workers with skills requiring higher educational levels. Immigrants continue to fill these positions under the occupational certifications provision in job fields such as medical technicians; electronic, civil, mechanical, and chemical engineers; computer analysts and technicians; and educators. Why?

There are an inadequate number of high-skill workers to meet the changing U.S. job market. The United States ranks seventh among industrial nations in measured skill endowment of its labor force. In 1981, when approximately 10 million people were unemployed, nearly one million skilled jobs were unfilled. By 1990, three out of four jobs will require some technical training beyond high school.

For fiscal year 1988, certification approvals in the categories listed in the accompanying chart (see top of next column) were granted in the numbers shown.

Distribution of Permanent Certifications By Occupational Categories Fiscal Year 1988

Professional, Technical			
and Managerial	13,807	38%	
Clerical Sales	991	3%	
Service	13,678	38%	
Agricultural, Fishery,			
Forestry, and Related	391	1%	
Processing Occupations	908	2%	
Machine Trades	1,894	5%	
Bench Work Occupations	2,418	7%	
Structural Work Occupations	1,831	5%	
Miscellaneous Occupations	303	1%	
TOTAL	36,221	100%	

Source: U. S. Department of Labor, Office of Labor Certification

Occupational Profile Of American Workers

The occupational profile of American workers has already undergone significant changes in response to the development of new industries and the disappearance of jobs in older manufacturing industries to foreign competition, and the emergence of a more service-oriented economy. Teamsters have experienced this transition period through almost every occupation organized under the Union.

Many workers in the industrial sector have been left without work and applicable skills to compete in an emerging high-technology economy. Lack of related education and training will make even entry-level jobs in fully automated manufacturing industries impossible to obtain.

There are also the problems of psychological and other personal adjustments required by career changes, that will be essentially involutary and quite different from the type of work originally chosen. Education and training are essential in increasing productivity—a

major role of America's unions in the past, and a key factor which needs to be addressed once again.

Naturalizations

In 1988, there were 242,063 persons naturalized as U.S. citizens, an increase of 15,055 from the 227,008 persons who naturalized in 1987. For three consecutive years, Vietnam, the Philippines, and Mexico have led in the number of persons naturalized—equaling 28 percent of the total number.

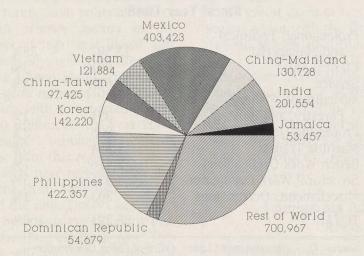
Although these figures are astounding, the average European and Asian immigrant waits 7–8 years before applying for naturalization, but Hispanic immigrants wait an average of 14 to 15 years.

Fear about the difficulty of the citizenship examination was listed as the number one reason for the delay in seeking naturalization.

In a recent survey, 98 percent of those interviewed said they wanted to make the United States their permanent home, and 79 percent said life in the United States is better than in their native country.

(Continued on next page)

IMMIGRANT WAITING LIST January, 1989



Interestingly enough, a full 95 percent said that one of the most important reasons for wanting to become a U.S. citizen is the right to vote. Compared to the general U.S. voting population, 81 percent of naturalized Hispanics were registered to vote in contrast to 70 percent of the U.S. voting population—an influencing factor in future legislative activities and an influencing factor in the Teamster movement.

Illegal Immigration Creates Hidden Population

The United States remains an irresistible magnet. Regardless of how bad times may be, the United States consistently represents a far better economic climate than that of the native countries of illegal aliens. There are always jobs in the U.S. that the native-born will not take, and that are available to the alien for the asking. Harsh penalties are not enough to stop the flow of illegal immigrants across the border. On average, the Immigration and Naturalization Service arrests 4,000 illegal im-

migrants a day.

The hidden population of illegal aliens leads to inaccurate studies which are frequently used by U.S. government agencies, Congress, and industry in their decision-making process.

Recently, the General Accounting Office reported both favorable and unfavorable results during its 1988 study. It found that the willingness of illegal aliens to work in low-skill and low-wage industries for less than minimum wage has depressed wages and benefits for comparable native and legal immigrant workers.

These conditions have placed greater challenges on local Teamster representatives in negotiating Union contracts and maintaining job security and safe conditions in the workplace.

The study also concluded that low wages paid to illegal aliens allowed some businesses to grow and to survive foreign competition. Additionally, the use of illegal immigrants indirectly expanded job opportunities and wages for higher-skilled workers in the same trades—a conclusion with which the U.S.

Labor Department disagrees, indicating that evidence was based only on employers' responses to the study.

ir

a

r

la

C

Nevertheless, over the past 20 years, illegal immigration has helped subsidize less competitive businesses, slowing productivity growth through the lack of incentives for businesses to invest in labor-saving technology, bringing longer term social and economic costs to American society as a whole—eroding the American lifestyle so vigorously fought for by unions.

Immigration Legislation Now in U.S. Congress

Why is there a need for additional immigration legislation when major reforms were enacted in 1986? In 1986, Congress addressed only the illegal immigrant issue. The legal immigration system has not been revised since 1965. Many issues surround legal immigration, as they represent the roots of what America is today and what it will be in the future.

New immigration legislation is now in the U.S. Congress. The ceiling is expected to be raised to allow for more skilled immigrants, especially those from Western Europe. Recently, preferential treatment has been given to immediate relatives of recent immigrants—generally from Latin America and Asia (see chart, this page). Regular immigration does not include refugee entrants, expected to reach nearly 200,000 as Soviet emigrants migrate to the United States.

The compromise bill of Senators Ted Kennedy (D-MA), Alan Simpson (R-WY), and Paul Simon (D-IL), S.358, which was passed July 13, 1989, sets an annual ceiling on immigration which will increase the current level by 140,000. This figure does not include the 600,000 refugee total, 480,000 family preference visas (an in-

crease of 264,000), and 150,000 independent visas (an increase of 96,000 in which a portion of these applicants will be granted visas based on the point system).

Point System Considers Skills, Employment

e

y

ıt

e

e

d

Under the point system, points will be awarded for educational skills, occupational demand, occupational training of work experience, prearranged employment, and age (favoring those in the 21–35 years-of-age category). English language proficiency is not included as part of the point system.

Additionally, the compromise measure will not affect the number of visas given to family members of American citizens.

A new category was established to meet medical needs in rural areas. Conditional entry visas will be provided to those doctors and nurses who agree to serve in rural areas. After meeting the required number of years of service, they will receive permanent "resident alien" status.

The compromise measure will not affect the number of visas given to family members of American citizens, nor does it place a cap on the number of entries. Review and adjustment of the immigration level will be conducted every three years by the President and a specially created independent commission. At that time, Congress may act upon their decision through special parliamentary procedures. The bill is now in the U.S. House of Representatives for consideration.

The legal immigration bill in the House of Representatives, H.R. 1630, which is expected to be debated in the near future, specifically refers to the naturalization portion of the Immigration and Naturalization Act.

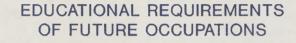
America's Workers: Our Most Vital Resource

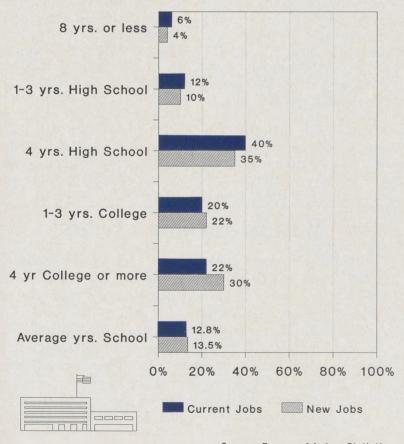
Today, America's people are its most vital resource. To be successful in an increasingly competitive environment, America must reexamine its work force requirements.

Findings have indicated that the most important skills for an employee are reading, writing, and computation. With increasing regularity, employer complaints focus on deficiencies in these skills.

Competitive challenges are forcing employers to adopt a variety of competitive strategies that can only be successfully implemented by an innovative and flexible work force which can adapt to new technology. If our work force cannot meet the demands now and in the future, U.S. corporations will be given yet another reason to export U.S. jobs abroad and hire immigrants who meet the requirements of the job market.

To be successful in an increasingly competitive environment, America must reexamine its work force requirements.





Source: Bureau of Labor Statistics

Low Income Working Families Eligible for Tax Credit

illions of low income working parents are now eligible for up to \$910 through the federal government's Earned Income Credit program. Unfortunately, many parents may not know about the credit and may fail to apply. To apply, all a parent has to do is file a federal income tax return.

The Earned Income Credit is a tax credit for low income families with at least one worker and one child living at home. Since it is a "refundable" tax credit, families can benefit from it, even if they owe no federal income tax. These families receive a check from the Internal Revenue Service (IRS) in the amount of their credit, rather than a reduction in their federal income taxes.

Informing low income families about the credit-and about the need to file a federal tax return to receive it—is now more important than ever. This is true for several reasons. First, the federal Tax Reform Act of 1986 included provisions that eliminated federal income tax liabilities for millions of low income working families; these provisions took full effect in 1988. As a result, many more low income working families now owe no federal income taxes. A substantial number of these families may think there is no need to file a tax return. However, if they fail to file a return, they lose the Earned Income Credit to which they are entitled.

The second reason it is important that working poor families know about the credit is that it has been greatly enlarged. Most working families earning between \$6,000 and \$11,000 in 1989 now qualify for a credit of at least \$800. Families that work and have children living with them are probably eligible for the credit, if their income last year was less than \$19,340.

Families do not even have to claim the Earned Income Credit on their tax return. As long as they file Form 1040 or 1040-A, and are eligible, the IRS will compute the credit for them-and send them a check if their credit exceeds their tax liability. Thus, a parent who has two children and who earned \$9,000 in 1989 will owe no federal income tax, but will receive a check from the IRS for \$910 if the parent files a tax return. For eligible families that do owe income tax, the credit will reduce their tax obligation.

The Earned Income Credit was greatly expanded in 1986 by the President and the Congress to reward and encourage work and to help offset the growing burden that payroll taxes (that is, Social Security taxes) placed on low income working families. Nearly 11 million families—possibly including some Teamster families—now qualify for the credit. In fact, the credit has now become a program providing more than \$5 billion a year in benefits to low income families.

To help make sure that low income families are aware of the credit and of the need to file a tax return to receive it, a broad coalition, ranging from labor unions to religious organizations, has launched a major national education and outreach campaign. The campaign is being organized by the Center on Budget and Policy Priorities, a nonprofit Washington research organization that focuses on issues affecting low income Americans.

The campaign includes such organizations as the U.S. Conference of Mayors, the National Governors' Association, the U.S. Catholic Conference, the AFL-CIO, the Edison Electric Institute, the Food Marketing Institute, numerous advocacy and service provider organizations, and many state officials.

The campaign will alert low income working families of the need to file a tax return to receive the credit they are due for 1989. It will also inform families that they can ask their employers to provide the credit as part of their paycheck throughout the year. (When this is done, the employer simply subtracts the amount of the earned income credit added to a worker's paycheck from the withholding taxes that the employer would otherwise deposit with the IRS.) Federal law requires that the credit be provided to eligible workers in their paychecks, if the workers request this.

Earned Income Credits

The Earned Income Credit (EIC) is a tax credit for working families that have both earned and adjusted gross income (in 1989) of less than \$19,340 and that have at least one child living at home for at least half of the year.

The credit is "refundable." This means that eligible low income working families can benefit from the EIC, even if they owe no federal income tax or have no income tax withheld. Eligible families that owe no income tax receive a check from the Internal Revenue Service in the amount of their credit.

Low income families are encouraged to ask their employer about the EIC, to call their local Internal Revenue Service office, or to call the IRS toll free hot line at 1-800-424-1040.

YOU'VE EARNED MORE MONEY THAN YOU THINK

The EARNED INCOME CREDIT—It's Money With Your Name On It.

ou're probably eligible for the federal government's **EARNED INCOME CREDIT** if you're a working parent with at least one child at home and you earned less than \$19,340 in 1989.

he by

on

ne

or-

ice

on-

ar-

ni-

S.

in-

he

ley

de

ck

ıb-

ed r's

ng

ıld

5.)

dit

TER

This means as much as \$910 in your pocket. A check could be sent directly to you — from the IRS.

You can get a check even if you earned too little to owe any income tax.

The **EARNED INCOME CREDIT** is easy to get. No lines to stand in. No red tape. All you need to do is file a federal income tax return (form 1040 or 1040A).

You don't even need to claim the **EARNED INCOME CREDIT** on your tax return. If you file a return, the IRS will figure out your credit for you.

Collect your EARNED INCOME CREDIT.

It's for working families like yours — because you earned it.

If you earned too little to owe income tax, the IRS will send you a check. If you owe income tax, the **EARNED INCOME CREDIT** reduces what you pay.

There's another way to get your **EARNED INCOME CREDIT.** Your employer can add it to your pay over the course of the year.

For more information, ask your employer or call the IRS toll free at 1-800-424-1040.

EARNED INCOME CREDIT CAMPAIGN

A campaign made possible by the generous support of advocacy, business, labor, non-profit, and religious organizations and of state and local officials.



Make Sure We Get Our Fair Share of:

Community Benefits

Funding for schools, health clinics, job training, community centers and other services depends on census population counts.

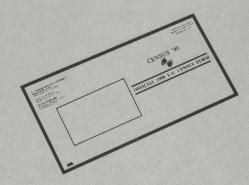
Voting Power

Representation in Congress, state legislatures and local voting districts is based on census numbers.

Recognition

Pride in your heritage is reflected in accurate census totals.

Answer the Census!



CENSUS '90



Census Day—April 1, 1990

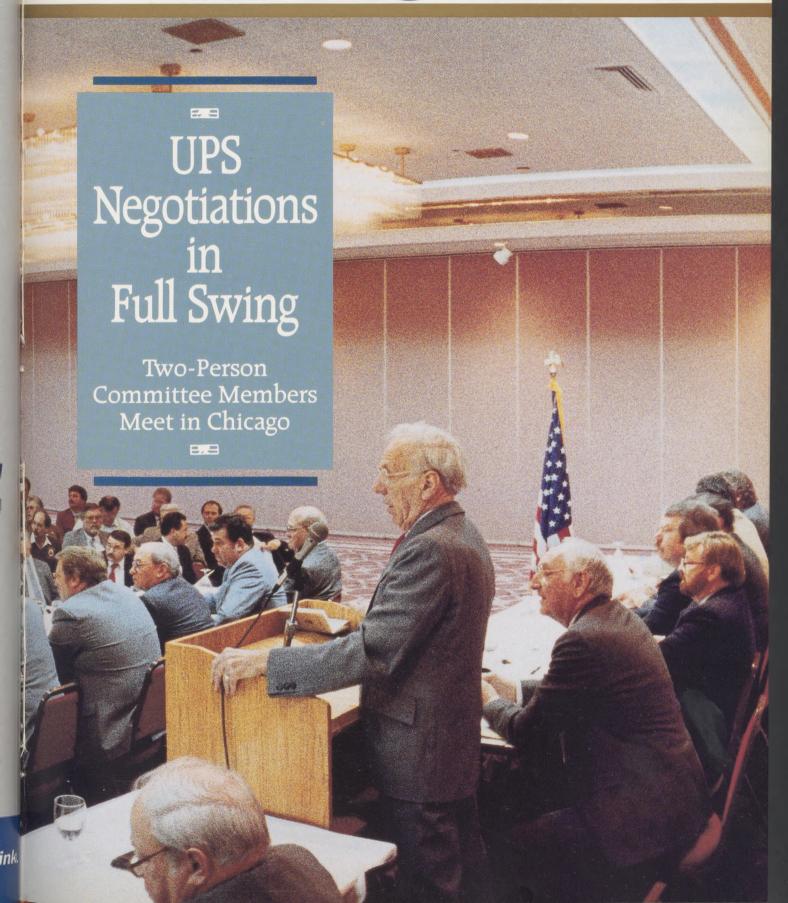
Answer the Census.

It Counts for More Than You Think

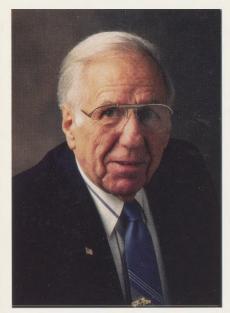
THE INTERNATIONAL
APRIL 1990

TEAMSTER





THE PRESIDENT'S MESSAGE



he Greyhound strike by the Amalgamated Transit Union brings into focus the most insidious and reprehensible antilabor practice now in existence—hiring scabs as permanent replacements for striking workers.

Hiring permanent replacements is not intended to gain leverage in a labor dispute—it is intended to break a union, pure and simple. This is what Grevhound management is currently attempting to do, and what a host of other companies such as International Paper Company, Continental Airlines, Boise Cascade, Phelps Dodge, and Eastern Airlines have done in recent years. It is also what Teamster Local 829 in Boston is currently faced with in its strike against Kraft/S.S. Pierce. Such moves signal the total collapse of traditional labor relations. As one labor specialist has written, "Hiring permanent replacements means a labor strike is now a fight to the death, rather than a periodic test of wills."

Employers have had the legal right to hire permanent replace-

ment workers since a Supreme Court ruling in 1938. Nevertheless, very few companies exercised that right for forty years, bowing to public revulsion at the notion. The atmosphere, however, underwent a dramatic change in 1981, when former President Ronald Reagan moved to replace 12,000 striking air traffic controllers. With political leadership like that, emplovers felt free to abandon their traditional reluctance toward hiring scab workers. The results are well-known: 2,300 United Paperworkers lost their jobs after striking Boise Cascade; 2,400 USWA members lost their jobs at Phelps Dodge: 1.300 members of the Molders and Allied Workers lost their jobs at Magic Chef. The list goes on and on.

Besides the job loss and personal tragedy created by the practice of permanent scab hiring, there is also a chilling effect on the exercise of collective bargaining rights.

Fortunately, not everyone in Congress is turning a blind eye to this poisonous situation. U.S. Representative William Clay (D-MO) and U.S. Senator Howard Metzenbaum (D-OH) have introduced legislation that would ban employers from hiring permanent replacements during a labor dispute and would prohibit them from offering preferential benefits to strikers who cross the picket line and return to work.

I am happy to report that the Industrial Union Department of the AFL-CIO has made passage of these two bills, H.R. 3936 and S.2112, respectively, its top legislative priority in Washington. I have directed the Legislative and DRIVE Departments at the International to let members of Congress know that the Teamsters Union considers votes on these bills to be crucial tests of a legislator's support of the labor move-

ment. If they can't support us, we can't support them. It's that simple.

I also want the rank-and-file to launch a grass roots offensive in their Congressional districts to deliver the same message (see box, page 7). If any member of Congress can't, in good conscience, act to protect the worker's basic right to strike and restore balance to the collective bargaining process, then the Teamsters can't, in good conscience, support or contribute to his or her reelection.

No worker wants to strike. Workers go on strike only because the normal collective bargaining process has broken down and they have no other recourse. Denial of labor is the only method available to a worker to counterbalance the power of management.

As recent events in Eastern Europe have clearly demonstrated, the right to strike is fundamental to free trade unionism which, in turn, is essential to genuine democracy. It is ironic that while America applauds expansion of workers' rights overseas, it is content to watch those same rights erode here at home. It is well past time that this country follows the example set by Canada and most European nations which prohibit the permanent replacement of strikers.

This is our number one legislative priority for 1990, and I ask for your help, guidance, and assistance in spurring Congress into action. The IBT can set the goals, but only your involvement will bring success.

Fraternally,

William Jenscerth

William J. McCarthy

TEANSTER DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



General Executive Board

we

m-

to

in de-

ess

to

to

he

en

n-

to

se.

ise

ng

ey

of

he

u-

tal

in

le-

ile

of

n-

its

ist

ost

oit

ri-

is-

IS-

ls,

Board
WILLIAM J. McCARTHY
General President
25 Louistana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louistana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
265 W. 14th St., Rrn. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Plorida 33009
EDWARD LAWSON
Third Vice President
899 West Eighth Avenue
Vancouver, B.C., Can, V5Z 1E3
ARNIE WEINMEISTER
Fourth Vice President
553 John Street, Room 28
Seattle, Wash, 98109
WALTER SHEA
Filth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX

Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President
125 N. 57th St.
Birmingham, Alabama 35212
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwix St., Suite 1903
Pitisburgh, Pa. 15222

b25 Stamwix St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
FRANCIS W. HACKETT
Eleventh Vice President
544 Main Street
Boston, Mass. 02129
R.V. DURHAM
Tweifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2020 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wannotze Michigane, 18100

Trustees
BEN LEAL
459 Fulton St., Suite 304
San Francisco, Calif, 94102
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215

HAROLD J. YATES 320 University Avenue, W. St. Paul, Minnesota 55103

Wyandotte, Michigan 48192 GAIRALD F. KISER

Fifteenth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 April 1990

Volume 87, No. 4

- 2 UPS Negotiations in Full Swing Teamwork, unity are keys to success
- 5 Free Trade Agreement Committee Meets Teamsters take look at U.S./Canada pact
- 6 AFL-CIO Holds Annual Meeting
 McCarthy attends Executive Council sessions
- 7 Replacement Worker Legislation on Capitol Hill Congress considers bills to impede strike breaking
- 9 Retiree Department Gets New Director McCarthy appoints Roy Herrick to post
- 10 Teamster Leaders Attend Drug-Testing Seminar Safety and Health Department sponsors one-day meeting
- 12 Canadian Local Focuses on Film British Columbia gets name as "Hollywood North"
- 14 Canada's Teamsters Updated on Civil RICO Application of Consent Order reviewed
- 22 Report X to Teamster Members
 A message from the Independent
 Administrator
- 27 Orders of the Court

 The rulings of District Judge Edelstein



2



10



14

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs. Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



UPS Negotiations Underway:

Unity Key to Meeting Bargaining Goals

ontract talks for a new UPS Agreement opened in Washington, D.C., on March 6, when Teamster negotiators presented company officials with proposals for changes in the current agreement, setting wages, benefits, and working conditions for 141,000 Teamster members across the United States.

Commenting on the negotiations prior to the opening session, General President William J. McCarthy said that the current round of talks "will probably be the toughest negotiations in the history of the agreement." McCarthy, who serves as chairman of the Teamsters UPS National Negotiating Committee, is the first Teamsters General President to become personally involved in the actual negotiation of a UPS contract.

Concurring with the General President, National Negotiating Committee Cochairman Al Barlow said, "I believe that the Committee is well prepared for negotiations, but I also know that bargaining will be tough."

Teamwork

"I am really pleased with the teamwork that I have seen in putting our bargaining positions together," Barlow continued. "This is the kind of unity that we will need to win a package that addresses the legitimate needs of our members."

Barlow was also encouraged by the support that the Negotiating Committee's proposals received at a meeting made up of two representatives from each of the 212 Teamster local unions nationwide with UPS members. This "Two-Person Committee" met in Chicago in late February to discuss bargaining priorities, thrash out the issues, and, where necessary, alter the contract demands to more closely reflect the will of the UPS membership.

In an afternoon session, members of the Two-Person Committee heard International Vice President R.V. Durham and members of the IBT legal staff review how new federal drug testing regulations for transportation workers affect UPS's tractor-trailer drivers.

Difficult Bargaining Climate

The support given to the Teamster negotiators at the Chicago meeting was important, because they will be bargaining in a difficult climate. While the company's business and profits have grown in recent years, its market share is



General President McCarthy (right) with UPS Negotiating Committee Cochairman Al Barlow.

being challenged by nonunion carriers.

Reviewing each others' opening bargaining proposals at the initial bargaining session in Washington, both union and management negotiators asked for explanations of the other side's proposals.

Negotiations are set to continue in Scottsdale, Arizona, in late March for the National Agreement. McCarthy asked that the negotiations be moved back to Washington, D.C., after the first week in Scottsdale, so that he could participate in the talks while tending to other important union business.

Bargaining will proceed until



Teamster negotiators (seated, right) and company officials (seated, left) faced off in Washington, D.C., on March 6 as contract talks opened for a new UPS Agreement.

"Local union unity and support are critical to achieving the bargaining goals advanced by the UPS membership."

> — William J. McCarthy General President



Two representatives from each of the 212 Teamster local unions with UPS members attended the Chicago meeting.

union and management negotiators reach a tentative agreement that will be presented to the UPS membership for their consideration and their vote of approval or rejection. The current contract expires at midnight, July 31, 1990.

Unity

vith

ran

ar-

ing

tial

on,

ne-

5 Of

nue

rch

nt.

ia-

ng-

in

ar-

ing

SS.

ntil

ort

he

by

nt

Teamster negotiators are committed to winning the best possible agreement for the UPS membership. Union leaders credit the company's remarkable growth to the dedication and skill of its loyal work force, which has doubled from 70,000 since the first national contract was negotiated with the company in 1979. Teamster members operate over 66,000 vehicles and move over 11 million packages per day through the UPS system, according to company data.

The Teamsters' contract demands are a culmination of a fivemonth process designed to gain rank-and-file input to the bargaining process. First, local unions typically held meetings to solicit suggestions from the UPS membership for changes in the contract. These recommendations were then put through a careful system of refinement and review by the Negotiating Committee and the local Teamster UPS representatives. Ultimately the members' suggestions provided the the basis for the actual contract demands presented to management.

Harnessing Support

McCarthy and Barlow are harnessing the support of the entire Teamsters organization behind the



Eastern Conference UPS representatives discuss proposed contract language changes on local work rules and conditions.



Representatives from the Western Conference review changes to regional supplements.

Union's bargaining goals. "The proposals were drafted from recommendations made by the membership," Barlow noted. "They are reasonable, and they are fair. The locals have voiced their commit-

(Continued on next page)



Cochairman Barlow and Negotiating Committee members review proposals for local representatives at Two-Person Committee meeting in Chicago, Illinois.

UPS Negotiations (continued)

ment to our position, and we are moving forward with the full support of the Union behind us."

Local Unity Critical In Achieving Goals

Contingency plans have been made for dealing with any tack that management takes in negotiations. Union leaders believe that the company will find it in its own best interest to negotiate a fair settlement that provides for the workers' needs, without provoking a strike or calling a lockout. But, the Union is prepared.

McCarthy concluded: "Local union unity and support are critical to achieving the bargaining goals advanced by the UPS membership. Now it is important that every local union in every joint council and area conference rally around these goals, so that we can get what the membership wants and needs."



Two-Person Committee members representing Central Conference UPS locals discuss changes to area agreements.



Representatives from the Southern Conference look over proposed changes to supplements.



International Vice President and IBT Safety and Health Director R.V. Durham updates UPS Two-Person Committee members on federal drug-testing regulations for transportation workers and how these regulations will affect UPS tractor-trailer drivers.

BITLC Task Force Meets



The Baking Industry and Teamster Labor Conference's (BITLC) task force on pension issues met on March 1 at the International headquarters in Washington, D.C. At this meeting the task force agreed to study and recommend solutions to certain problems of pension reciprocity and continuity credit, and approved a plan for background and actuarial research toward the development of a model program. International Representative Robert Flynn (center) chaired the BITLC meeting and IBT Director of Economics Norman Weintraub (third from right) was on hand to respond to questions posed by the task force members on pension, economic, and financing issues. Attending the meeting were Teamsters John P. Morris, president of Local 115, Philadelphia, PA; Jim Smith, recording secretary of Local 115; Joseph P. Santone, president of J.C. 40, Pittsburgh, PA; and Jerry Schultheis of the Eastern Conference of Teamsters.

Teamsters Examine U.S./Canadian Free Trade Agreement: Committee Convenes First Meeting

eamsters General President William J. McCarthy convened the first meeting of the Teamsters Free Trade Agreement Committee on February 28, 1990, at the International headquarters. The General President gave the goahead to members of the Committee to develop a master plan on behalf of Teamster members in both the United States and Canada for minimizing any negative effects of the recent trade agreement. McCarthy decided some time ago that such a committee should be formed and that its preliminary task should be to assess the scope of the problems being faced by Teamster affiliates and members on both sides of the Canadian/U.S. border.

One of the first orders of business at this inaugural meeting was the appointment of a chairman and cochairman. McCarthy designated President Rondal C. Owens of Teamsters Local 299, Detroit, Michigan, as chairman of the group, and Joe Contardi, president of Local 879 in Hamilton, Ontario, and vice president of Teamsters Joint Council 52, as cochairman. Other members of the committee include Canadian Conference Research and



(Clockwise, from far left): General President McCarthy, Ron Owens, Joe Contardi, Mark Endreson, IBT Chief Economist Norman Weintraub, Bob Piccone, Ron Douglas, and General Counsel Grady.

Legislative Director Ron Douglas; Canadian Conference Policy Committee members Joseph Contardi and David Kozak; Robert Piccone, president of Teamster Local Union 340, South Portland, Maine; and Mark Endreson, director of research and education for the Western Conference of Teamsters in Seattle, Washington.

According to Chairman Owens, "The Free Trade Agreement will have an impact on a lot of lives,

and on many Teamster members. The Committee will determine exactly what specific impact it will have, and make appropriate recommendations to the General Executive Board."

At the fact-finding meeting, Teamsters General Counsel James T. Grady distributed a great deal of information on the Free Trade Agreement, and gave the members of the Committee his insights concerning the impact of the agreement on Teamster members in both nations. Grady commented, "The Committee will try to tackle the problems before any affiliates or members get steamrolled." He also noted that the agreement has led many employers to consider relocating in search of lower wages.

The Free Trade Agreement is a complicated treaty that is law in both nations. It is something that will neither be repealed nor ignored. The Committee's purpose is to evaluate its exact impact on the Teamster membership and to recommend the most feasible ways the Teamsters Union can deal with it.



(From left): Ron Owens, Joe Contardi, Mark Endreson, and IBT Chief Economist Weintraub.

Teamsters Join in Sessions

As Federation Holds Annual Meeting

s a member of the AFL-CIO Executive Council, Teamsters General President William J. McCarthy attended the Federation's annual mid-winter meeting in Bal Harbour, Florida, the week of February 19. Also attending was International Vice President Walter Shea.

During the five-day meeting, the 35 members of the Executive Council reviewed developments in the economic arena, and charted the labor movement's progress in legislative and political matters. General President McCarthy said later that it was a productive meeting, and that the Teamsters had made progress in advancing its agenda within the Federation.

Council Considers Heavy Agenda

Among the issues discussed by the Council were national health care reform, the conversion of military industries to peacetime uses, Social Security reform, low- and moderate-income housing pro-



(From left): General President William J. McCarthy, United Mine Workers President Richard Trumka, and Secretary of Labor Elizabeth Dole.

grams, the continuing International Association of Machinists' strike against Eastern Airlines, a new U.S.-Soviet trade relationship, coordination of organizing campaigns, and steadfast opposition to the concept of government trusteeship over free trade unions.

Pending legislative initiatives in Congress reviewed by the Council included: two bills, H.R. 3936 and S.2112, which would ban employers from hiring permanent replacements during a labor dispute and would prohibit preferential benefits to strikers who cross the picket line and return to work (see accompanying box); a bill, H.R. 2664, introduced by Rep. Peter Visclosky (D-IN), which would extend equal representation rights to workers and employers on singleemployer pension boards; a bill, H.R. 3896, which reforms the unemployment compensation system; and two bills, H.R. 1180 and S.566, both of which address housing needs.

Teamster Vice President Walter Shea, along with Transportation Communications International Union President Richard Kilroy, delivered a report to the Council on the founding convention of the new AFL-CIO Department of Transportation Trades. Kilroy has been elected chairman of the Department, and Shea will serve as its secretary-treasurer. The two



General President McCarthy (center) joined other members of the AFL-CIO Executive Council at the federation's winter meeting in Bal Harbour, Florida. Pictured with him are National Association of Letter Carriers President Vincent R. Sombrotto (left) and Communications Workers of America President Morton Bahr.

discussed plans calling for the establishment of a Transportation Trades headquarters in Washington, D.C.

Guest Speakers Address Conference

The guest speakers at the Conference included House Majority Leader Richard A. Gephardt (D-MO), Majority Whip William H. Gray, III (D-PA), Secretary of Labor Elizabeth Dole, International Confederation of Free Trade Union General Secretary John Vanderveken, Edward B. Keller of the Roper polling organization, and Committee for Public Integrity Director Charles Lewis.

Meeting at the same time in Bal Harbour was the operating committee of the Committee on Political Education (COPE), the AFL-CIO's political action arm. The political directors of all affiliated unions, including Teamsters Department of Legislation Director David Sweeney, met with a host of 1990 U.S. Senate and gubernatorial candidates who are seeking labor's support.

nd

y-

e-

te

al

ne

R.

er x-

to

n-

10

er

al

cil

16

of

as

e-



(From left): General President McCarthy with Providence, Rhode Island, Mayor Joseph Paolino, and Chicago, Illinois, Mayor Richard M. Daley.

Replacement Worker Legislation



International Vice President Frank Hackett addressed a meeting of the AFL-CIO Industrial Union Department (IUD) in Bal Harbour concerning Boston Local 829's fight against the hiring of permanent replacements for striking workers by Kraft/S.S. Pierce. The problem of permanent replacements for strikers is an increasingly serious one for the labor movement.

here are currently two bills under consideration in the U.S. Congress which would prohibit employers from hiring permanent replacements during a labor dispute, and which would prevent them from offering preferential treatment to strikers who break picket lines and return to work.

All active and retired Teamsters are urged to contact their Congressional representatives and demand support for this vital pro-labor legislation.

H.R. 3936—Introduced on February 1, 1990, by Representative William Clay (D-MO), this bill presently has 19 cosponsors, including: Gary Ackerman (D-NY), Les AuCoin (D-OR), Howard Berman (D-CA), Cardiss Collins (D-IL), Walter Fauntroy (D-DC), Thomas Foglietta (D-PA), William Ford (D-MI), Charles Hayes (D-IL), Andrew Jacobs (D-IN), Robert Kastenmeier (D-WI), Dale Kildee (D-MI), Gerald Kleczka (D-WI), George Miller (D-CA), Robert Mrazek (D-NY), Austin Murphy (D-PA), Timothy Penny (D-MN), Nick Joe Rahall, II (D-WV), and Louis Stokes (D-OH).

S. 2112—Introduced on February 8, 1990, by Senator Howard Metzenbaum (D-OH), this bill presently has three cosponsors, including Brock Adams (D-WA), Edward Kennedy (D-MA), and Barbara Mikulski (D-MD).

Note: To contact a Member of Congress, write to The Honorable (Senator's name), United States Senate, Washington, D.C., 20510 or The Honorable (Representative's name), United States House of Representatives, Washington, D.C., 20515.

IBT Construction Division Policy Committee Meets



(At dais, from left): International Vice President Joseph Morgan, General Secretary-Treasurer Weldon L. Mathis, Division Director Tom Kellerhuis, and Conference Construction Division chairmen Bobby Sasso (Eastern), Joseph Kumstar (Central), Al Marinelli (Canadian), and Gary Dixon (Western). Missing from the photo was Chuck O'Brien from the Southern Conference. Other Policy Committee members are seated on the right.

uring the week of February 21–23, 1990, the Teamsters Building Material and Construction Trade Division held its annual Policy Committee meeting in Hollywood Beach, Florida. All of the Teamster Area Conference Construction Division chairmen were on hand to deliberate both with General Secretary-Treasurer Weldon L. Mathis and International Vice President Joseph Morgan, who serves as director of the Southern Conference of Teamsters, and with Division Director Tom Kellerhuis and the roughly 60 members of the Policy Committee who were in attendance.

The Division has had a prosperous year since the last Policy Committee meeting, but a number of long-term and recently developed problems have plagued the industry and many of the Teamsters affiliates with members in the industry. For example, the Teamster experts gave an in-depth look at jurisdictional problems involving other unions in the building trades. At this meeting, the members of the Policy Committee came up with a number of feasible ways for

Teamster affiliates both to prevent and to correct such jurisdictional disputes.

Another long-term "thorn in the side" of construction affiliates — double-breasted contractors—was examined, but the members decided that intensified political action by the Teamsters Union would be the most effective remedy. They dedicated themselves to pursuing this issue as a top legislative priority.

Davis-Bacon Act Compliance An Important Concern

Davis-Bacon Act compliance is one of the most important concerns for construction affiliates, and the Act was given full attention by all the Teamsters present. The Committee resolved to impress upon the delegates during the upcoming annual Division meeting in April that Davis-Bacon Act compliance remains a two-way street. i.e., "construction locals must hold up their end of the bargain by submitting all of the Davis-Bacon paperwork both to the International headquarters and to the U.S. Department of Labor.

Owner-operators have long been a major enemy of the organized work force in the construction industry. "We have to find ways to minimize this serious threat to our members," Kellerhuis advised. He recommended using the "20 Common-Law Factors" provided to the Division by the U.S. Internal Revenue Service, more frequently to help prevent the owner-operators from evading taxes.

It was reported that the National Joint Heavy and Highway Construction Committee had arranged for more than \$1 billion in work for unionized construction workers nationwide during 1989, a large percentage of which has directly benefited Teamster affiliates and members. The members of the Policy Committee agreed that the Teamsters' membership on and participation in the Joint Heavy and Highway Committee is undeniably beneficial and that membership should be continued.

Kellerhuis Reports Positive Developments for Division

Director Kellerhuis informed the Committee members of very positive developments in the Division's manpower report. he said that "manpower had improved by two-thirds on both the National Maintenance Agreement and the General President's Agreement.

Another important order of business conducted by the Policy Committee was the approval of a pacesetting "Basic Trades Agreement" among the Teamsters, Ironworkers, Carpenters, Operating Engineers, Laborers, and Cement Finishers International Unions. This agreement will help all of the signatory unions to target and bid for jobs in various areas of the United States, and the agreement serves as a countermeasure to nonunion competition.

New Director Named:

een

zed

on

. to

our

He

m-

he

ev-

to

ors

nal

n-

ed

ork

rk-

ge

tly

nd

he he

nd

LVY

le-

m-

he

VI-

aid

by

nal

he

of

cy a

e-9

n-

ng

nt

nis

g-

ed

on

3R

Roy E. Herrick to Head Up Retiree Department

eamsters General President William McCarthy has appointed Teamster veteran Roy E. Herrick to be International Teamsters Retiree Department Director. Herrick, a third generation Teamster, is president of the Retiree Chapter of Teamsters Local 25 in Boston, Massachusetts, and brings to his new position a wealth of experience in organized labor. The General President has known Herrick for decades, and considers him a "Teamster's Teamster," and a "veteran trade unionist who cares about and truly understands the needs and interests of Teamster retirees in the United States and Canada."

Over-the-Road Experience

Herrick joined Teamsters Local 25 on August 22, 1934, when he was an over-the-road driver on hauls from Boston to New York City. He maintained his membership over the years, even as his employers changed. For 12 years, from 1943–1955, he drove for E.J. Scannell, and from 1955–1975 he was an over-the-road driver for Eastern Freightways, of Carlstadt, New Jersey. Continuing his overthe-road tradition, Herrick was employed by Highway Express from 1975-1979, and by Hemingway Transport from 1979—June 1984. On the first day of June in 1984, Herrick retired from his driving career, but remained as solidly a Teamster member as ever.

In that same year Herrick became a member of the Retiree Chapter of Boston Local 25. He was later entrusted by the other members of that sizable club to be their president.

Rapport Is His Key

As principal officer of the chapter, Herrick was instrumental in developing the club's highly ac-



Roy E. Herrick

claimed monthly publication, *The Pensioneer*, and in forging a close working relationship between the executive board and the members. Thanks in large part to Herrick's rapport with the rank-and-file club members, the story of the Retiree Chapter of Local 25 has been a story of success.

One secret of that success has been the enthusiasm which his brand of leadership generates among retired Teamsters. As one member and officer of the retiree chapter, Secretary-Treasurer Joe Cuggino, stated upon learning of Herrick's appointment, "Roy knows how to be a good leader—by setting the right example—and he knows how to get things done. I don't know of a more capable or more sincere Teamster to head up the Retiree Department than Roy Herrick. May God bless him in his new assignment."

In an interview with Herrick at IBT Headquarters, the new Retiree Director emphasized that there would be a number of priorities to be pursued in the near future and in the long term. "Foremost among

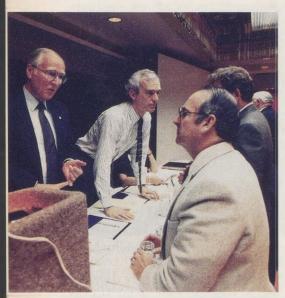
these will be a renewed emphasis on organizing," he said. "The General President and I have reviewed the membership figures for Teamster retirees in the U.S. and Canada, and we know that some real, old-time organizing needs to get underway. In some states, and I'm not talking about geographically small ones, there are only two or three chapters in existence. This is hard to believe, and it's even harder to abide. This is going to change. I might add that a campaign for increased participation in DRIVE will go hand in hand with the organizing."

Herrick is also already developing a strategy on Capitol Hill in Washington, D.C., to champion a longtime concern of thousands of Teamster retirees—the "Notch" injustice in Social Security benefits. Herrick knows firsthand about this injustice, and intends to find a way to get Congress finally to act on the existing proposals to correct the Notch.

Universal Health Care

With respect to Teamster retirees' interest in pressing the federal government to act on a form of national health care, Herrick said, "Health care coverage for all senior Americans is an absolute must. The political clout of the IBT, combined with the clout of the over half million Teamster retirees, gives us a better chance than ever before of getting congressional action on this. I realize that we'll have a full legislative agenda with both health care and the Notch, but General President McCarthy has assured me of his fullest support to the Teamster Retiree Department. With his support and help, and with the participation of retirees from coast to coast, we have great prospects on Capitol Hill, and the future for us is indeed bright."

Safety and Health Department Sponsors Seminar on Drug-Testing



R.V. Durham (left), International Vice President and director of the IBT Safety and Health Department, and Vernon McDougall, Safety and Health Department representative, answer questions from seminar attendees.

hree hundred forty-one Teamsters local union leaders from across the United States met in Chicago on February 28 to learn firsthand about the new drug-testing rules that affect truck drivers and other transportation workers.

This special training seminar was sponsored by the Teamsters Safety and Health Department. It was designed to help prepare local union officials for the many questions, problems, and grievances that they are faced with as a result of new drug-testing rules mandated by the U.S. Department of Transportation (DOT).

FHA Attorney Discusses Drug Testing

The seminar was chaired by R. V. Durham, International Vice President and Safety and Health director of the Teamsters Union. He introduced the first instructor, Thomas Holian, an attorney in the Federal Highway Administration who played a key role in writing the regulations affecting truck

drivers.

Holian discussed the DOT requirements for different kinds of drug tests-preemployment or preuse; periodic with the every-twoyear DOT physical; and "reasonable cause." He described the very limited use of postaccident testing, including the requirement that there has to be suspicion of drug use, and the very new feature that postaccident testing is not required unless the truck driver got a ticket for a moving violation in connection with the accident. He also talked about how drug testing relates to drivers' medical qualifications.

Local Union Leaders Ask Tough Questions

This detailed presentation generated a lot of hard, well-considered questions from the audience of local union leaders. For example, through this question-and-answer process it became evident that the Federal Highway Administra-

tion does not really have a clear plan for applying its drug-testing rules to drivers who work out of the hiring halls maintained by some local unions.

The local union leaders made it clear to the DOT instructors that they believe the biggest drug abuse problems are in the nonunion and independent owner-operator sectors of the trucking industry. Yet the DOT drug rules hit hardest on the unionized sector.

DOT Representative Reviews Agency Rules

Vice President Durham next introduced Melissa Allen, DOT's deputy assistant secretary for administration. Allen is responsible for the DOT rules that govern many important issues in drug testing:

- How urine samples are collected.
- Security precautions to guard against tampering or mix-ups.



(From left): IBT Associate General Counsel Gary Witlen; IBT Attorney Patricia Callahan; International Trustee Robert DeRusha; International Vice President Frank Hackelt; International Vice President and Safety and Health Director R.V. Durham; Melissa Allen, DOT deputy assistant secretary for administration; and Thomas Holian, FHA attorney.



ng of

nat ise

on

ep-

or

rd

Local union leaders at the seminar listened carefully and asked hard, well-considered questions of Federal Highway Administration and Department of Transportation representatives.

- Drug testing laboratory certification.
- What drugs are tested for.
- Review of lab reports by a doctor.
- Reporting to the employer.

Each of these areas is important to the fairness and accuracy of drug testing. Allen explained each area carefully. The local union leaders brought their practical experience to these discussions. The result was a better understanding by the local union leaders of how the rules will actually be applied—and a better appreciation by the DOT rulemakers of the Union's real-life concerns.



Three hundred forty-one Teamster local union leaders from across the country attended the Safety and Health Department's drug-testing seminar.

Harrisburg Teamsters Score High With Penn State Students



Representatives of Teamster Local 776, Harrisburg, Pennsylvania, met recently with a class of 104 graduating students enrolled in the Department of Labor Studies and Industrial Relations on the main campus of Penn State University. The local officials addressed the class for 30 minutes, followed by a question-and-answer period. Addressing the students at the invitation of Penn State Professor Robert Hindle were (from left) President Tom Griffith, Business Agent Leo Deaner, and Organizer Chuck Shughart. Students' comments offered rave reviews of the Teamsters' visit, scoring them high on labor relations expertise, communication ability, dedication to workers, and enthusiasm for their union. Local 776 plans to make the project an annual event.

Allentown Teamsters Greet "Garfield"



The creator of the cartoon character "Garfield" recently visited the ALPO petfood plant which is staffed by Teamster members of Local 773, Allentown, PA. (From left): Al Abruzzi, president; Henry Kern, steward; Steve Banus, secretary-treasurer; Tom Dorward, steward; Garfield; John Treiber, steward; Harold Tracey, business agent for ALPO members; and Ed Tonkay, business agent.

Canadian Movie Local Is Key Member

Of B.C. and Yukon Council of Film Unions

he recent creation of the British Columbia and Yukon Council of Film Unions is being heralded as one of the most significant developments to take place in the film industry.

Six unions and guilds, representing 3,000 film technicians, directors, writers, and performers in British Columbia, have all come together under one organization. This is the result of several months of cooperation and deliberation by the unions, whose members ratified the creation of the council in February this year.

Council Will Focus Efforts On Continued Growth of Industry

The Council is comprised of Teamsters Movie Local 155, headquartered in Vancouver, B.C., together with the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) of the B.C. Performers Guild: ACTRA B.C. Writers Branch; the Directors Guild of Canada (B.C.); the International Alliance of Theatrical Stage Employees (IATSE) Technicians Local 891; and IATSE Photographers Local 669.

Council spokesperson Jak King observes, "The establishment of this Council is a formal recognition of the long history of labor relations stability and cooperation that have been such a significant factor in the enormous development of the B.C. motion pictures industry over the past decade. The Council will allow us to focus our efforts and energies more precisely than before on promoting the continued growth of the industry in B.C. and the Yukon."

Progressive Environment For Film Industry

This latest development is a natural step forward for the B.C. film

industry, which has always enjoyed good labor relations. There has never been a strike in the industry's 65-year history, and fresh and flexible approaches to collective bargaining and work rules have enabled the production of projects to be more efficient and more costeffective. This innovative and realistic approach to labor relations—coupled with the province's breathtaking scenery, the enthusiasm, experience, talent and dedication of the work force, and the latest equipment—makes British Columbia a favorite place for all involved in the industry.

Rob Cohen, producer of "Witches of Eastwick" (Playback Magazine, May 5, 1989), said: "We did 'Stakeout' here, and nothing in this script demanded that we work in Vancouver. We just loved working here and wanted to come right back."

Ken Wahl, actor and supervising producer of "Wiseguy" (Playback Magazine, January 22, 1989), commented: "... this is the best crew I have ever worked with in nine years of doing this . . . there's no question from a creative and competency standpoint they are tops in their field.'

British Columbia Known as "Hollywood North"

These accolades help explain the thriving film industry in B.C., where last year 14 feature films, 11 television movies, and 12 series were shot, for a combined budget in excess of \$350 million. B.C. has been home to television shows such as "Booker," "21 Jump-street," "Wiseguy," "Airwolf," "Beans Baxter," "MacGyver," "Bordertown," "The Last Incredible Hulk," and to feature films such as "Rocky IV," "We're No Angels," and "Stakeout." With its enviable reputation, B.C. is the



(From left): Don Ramsden, IATSE Local 891; Secretary-Treasurer Fred Hunchuk, Local 155; Neil Haggquist, Directors Guild of Canada; Jak King, IATSE Local 891; Alan Krasnich, ACTRA; and President Peter Moslinger of Joint Council 36, Vancouver, B.C., who serves also as director of the Canadian Teamster Movie Division.

number one center in Canada and ranks among the top five in North America, and is often labeled "Hollywood North.'

Not content to rest on its laurels. however, the B.C. & Yukon Council of Film Unions is examining other avenues to make the production of television shows and films in this area even more attractive.

Preferred Locations Program Helps to Lower Costs

To combat the tendency of many parties in both the private sector and the government bureaucracy to fleece the motion picture and television industries by charging outrageous fees for the use of locations and services, the Council recently developed the "Preferred Locations Program" to enable producers to lower significantly their location and service costs.

Negotiations with the provincial and muncipal governments in B.C. and the Yukon have resulted in increasing participation by towns and cities in the agreement, assuring producers the free use of publicly owned or controlled buildings and facilities, relaxation of municipal bylaws, assistance from local law enforcement agencies, and other factors which will greatly reduce production budgets. The Council is also approaching service suppliers to negotiate preferred rates for producers. With the increasing number of participants in the Preferred Locations Program, producers will have unlimited access to virtually all locations available in the province and the Yukon.

Other Measures to Foster Industry

or

ıd

h

ıy

d

d

ir

In addition to this innovative program, which the Council actively promoted during the American Film Market and Location Expo in Los Angeles, California, from February 23 to 26 this year, it is looking into other ways to promote efficiency and to foster reasonable costs and harmony in the industry. The Council is seriously addressing the issue of labor relations with a view to streamlining the process. Producers may now look forward to joint bargaining and standardized contract language, terms, and conditions for all unions. Pre-production conferences with producers will help anticipate and solve problems well before production.

The Council has also approached the B.C. government with a number of recommendations to ensure the stability and viability of the industry, such as tax relief for equipment fuel and hotel rooms, forceful representation to the federal government concerning the proposed Goods and Services Tax, and increased provincial-government promotion of the film industry.

The unions in the Council have themselves been aggressively pro-

moting the province through advertising and marketing. Fred Hunchuk, secretary-treasurer of Local 155, acknowledges, "Our local alone will spend more than \$5,000 in 1990 in advertising costs, not an insignificant amount considering that we have only 350 members."

He goes on to say, "We believe that the production of motion pictures and television programs here represents a significant long-term employment base for this province. No longer do 'off-shore' producers look upon us as merely a location for pretty scenery, but as somewhere to produce quality projects because of the crews, talent, and equipment available to the industry.

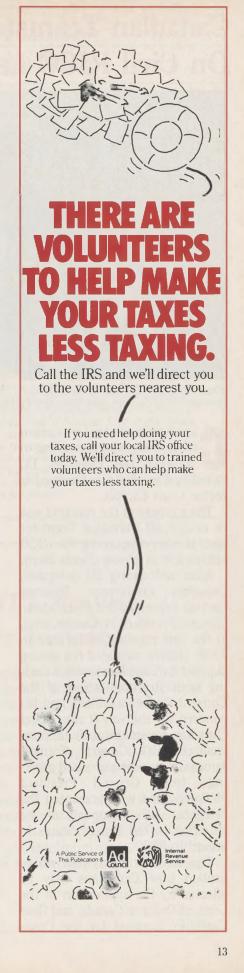
Solid Reputation Is Result of Hard Work

"This is a reputation we have worked very hard to achieve," Hunchuk added. "We realize as well that the industry is not the 'goose that lays the golden egg,' but a business in which decisions are based on economics and production capacity.

"It is time that everyone recognizes this truth and joins with us to promote this industry in the same manner we promote other important industries, such as tourism and technology."

In full agreement with these sentiments, Canadian Teamster Movie Division Director Peter Moslinger stresses: "In this highly competitive industry, good labor relations play a significant role.

"Far more vital than this, however, is the need for the government, the industry, and the unions to collaborate and be flexible, if the industry is to continue to survive and prosper."



Canadian Teamsters Updated On Civil RICO Lawsuit and Consent Order



(From left): IBT General Counsel James T. Grady, Canadian Conference of Teamsters Director Louis Lacroix, and Canadian Conference Counsel Robert Castiglio.

anadian Teamster local union officers attended a meeting in Toronto, last February 13, called by Canadian Conference Director Louis Lacroix.

The purpose of the meeting was to update all Canadian Teamster local unions concerning the RICO settlement as it now affects them.

After welcoming all delegates, Canadian Conference Director Lacroix expressed his gratitude to General President McCarthy, who, at the first meeting in Toronto in 1988, clearly indicated his strong support for Canadian locals in dealing with the application of the Consent Order in Canada and his concern for the way it may affect Canadian sovereignty. He then introduced IBT General Counsel James Grady, who expressed greetings from General President McCarthy and who presented the delegates with an update of the situation in the United States in regard to RICO.

The director then went on to explain how Canadians may be affected by the application of the Consent Order in Canada, and Gino Castiglio, Counsel for the Canadian Conference of Teamsters explained the out-of-court settlement and answered all questions related to the application of the Consent Order in Canada and how Canadian Teamsters may legally deal with it. A resolution opposing the imposition of the Consent Order in Canada, inasmuch as it affects Canadian sovereignty as well as violates the International Constitution, was then submitted to the delegates to debate, approve, or disapprove.

A strong manifestation of support was given to Director Lacroix for the way he has been handling this situation and for his concern and strong defense of Canadian sovereignty as well as for the continuous information he has been providing the local unions over this issue.

From the floor delegates expressed their support for the resolution submitted by the Policy Committee as well as their strong desire to see their sovereignty as Canadians protected and to see their Constitution respected.

A motion was then introduced by a local officer to support the position of the Policy Committee. This motion was unanimously adopted by the local representatives, who also indicated by resolution their intention to recommend to their respective local unions' executive boards and membership, that they be authorized to oppose in court or support any local unions going to court in opposition to the application of the Consent Order in Canada. This opposition would be for the reasons mentioned by the Director and the Policy Committee as well as for the reasons mentioned by the delegates attending.



Officers from 104 Canadian Teamster locals were brought up-to-date on the implications for Canadian locals of the IBT civil RICO lawsuit.

In conclusion, Director Lacroix indicated that Canadians were not opposed to all changes, since some of the changes proposed by the Consent Order which will be submitted to the 1991 IBT convention meet partially some of the resolutions already adopted by the 1989 Canadian Conference Convention in Montreal.

Dix

ng

rn

cy

ed

ne

ly

However, Lacroix indicated that in due time, local unions in Canada would consult their membership and be ready to deal with any proposed changes, keeping in mind the best interests of their membership.

Finally, Lacroix reaffirmed his commitment to keep local unions informed of future developments, and he thanked local union delegates for their support: "I think that all of us believe in democracy, and the decision that we have taken this morning is in the best interests of our members. It is our responsibility to protect their democratic rights as Teamsters and as Canadians."



"It is our responsibility to protect their (the members') democratic rights."

Montana Teamster Honored by MDA



Longtime Teamster driver Donald Golie, a member of Local 45, Great Falls, Montana, and a top "Funny Car" driver in the state, has been awarded a Citation of Merit by the Muscular Dystrophy Association (MDA) for his efforts in raising funds on behalf of the organization. A familiar face at car shows and drag races, Golie appeared last summer at a Lewistown, MT, benefit exhibit for MDA, where his car made three exhibition passes at 200 miles per hour. The Lewistown Raceway and the Central Montana Timing Association donated \$1.00 from the sale of each gate ticket and pit pass to MDA. Golie's MDA Citation of Merit praises his "generous support [that] brings hope and comfort to thousand of afflicted people."

Take the IBT's Message To a Wider Audience

Don't throw your union publication away when you've finished reading it. Instead, take your copy and drop it off at the dentist's office, at the doctor's, the public library, the hair dresser's, or leave it in a public waiting or reception area.

Negative headlines about labor such as "Labor Has Seen Its Day," "Union Demands Unreasonable," "Big Labor Losing Big," are negated in the labor press. This is an alternative press expressing labor's point of view.

By your making your labor publication available to the public, others have an opportunity to read about the positive role labor plays in the community, the state, the country, and in the world on such issues as trade, child care, minimum wage, and all the other good things labor does to improve the standard of living for all workers.

Two Teamsters Selected for

America's Road Team

wo Teamster truck drivers have been selected for the 1990 American Trucking Association's "America's Road Team." The America's Road Team Program, developed by the ATA, is designed to reach out both to the American public at large and to the trucking industry itself, particularly to the truck driver, with the message that "safety is our driving concern."

The name "America's Road Team" was selected to represent all of the nation's 3.5 million professional truck drivers, as a rallying point for the spirit of professional dedication and teamwork necessary to deliver America's freight safely and on time. In time, "America's Road Team" is meant to become synonymous with the truck driver.

The two Teamsters selected were: Jim Wilcox, who drives for Yellow Freight System, Inc., of Overland

The American Trucking Association's selection of the 1990 "America's Road Team" representatives are (top, left to right) John Hydusek, Barry Trucking, Inc.; Suzanne Patton, TNT Bestway Transportation; Ulysses "Uly" Bell, Teamsters Local Union 776, Harrisburg, PA, Roadway Express; Jim Wilcox, Teamsters Local Union 17, Denver, CO, Yellow Freight System; (bottom, left to right) Joseph Mack, Werner Enterprises, Inc.; Keith Bohlman, Roadway Package System; Nestor "Tory" DePrille, ServiStar Corporation; Barry Banzet, Aptus Environmental Services; Gordon "Ras" Rasmussen, CRST, Inc.; Thomas Washburn, Grace Transportation Services (not pictured).

Park, Kansas, and Ulysses "Uly" Bell who drives for Roadway Express, in Akron, Ohio.

Wilcox is a professional truck driver and a member of Teamsters Local 17, Denver, Colorado, who has accumulated eight years of accident-free time behind the wheel. A shuttle and city delivery driver, he transports general freight in the Durango, CO, area.

Wilcox has coordinated and conducted a driver training program for Ignacio School District bus drivers in conjunction with the Colorado State Highway Patrol. He has also been active in the Colorado state truck driving championships, being honored as the 1985 "Rookie of the Year" and capturing one of the top three spots each year between 1985 and 1989. In 1987, Wilcox was named state champion and represented Colorado in the National truck Driving Championships. In 1988, he received the Leo Wozniak Memorial Award, presented to the Colorado truck driver best exemplifying true professionalism. He, his wife, and two children reside in Durango.

Uly Bell, 43, is also a professional truck driver and is a member of Teamsters Local 776, Harrisburg, Pennsylvania. Bell, who has accumulated nine years of safe driving, has added another milestone to his career with his selection as one of the 10 truck drivers chosen from thousands nationwide to represent the 1990 "America's Road Team."

Bell is a city pickup and delivery driver and hauls general freight throughout central Pennsylvania. He is also an instructor for Roadway's driver training program, and was recently recognized out of 25,000 employees in a corporate-wide employee appreciation program.



In 1987, Bell was named "Rookie of the Year" at the Pennsylvania truck driving championships. He also placed second in the "Transport for Christ" trucking competition in Lebanon, PA. Bell and his wife, Louann, have five children and two grandchildren and reside in Harrisburg.

Road Team Members Set the Example

In the past four years, the America's Road Team representatives have reached more than 175 million people through appearances in 48 states. They have taken part in radio and television talk shows and call-in programs, have been interviewed for newspaper and magazine articles, and have spoken to schools, driver education classes, safety groups, business clubs, and civic associations. They have provided safe driving tips on how to share the road with a tractor-trailer. and have answered questions about what the industry is doing to cut down on accidents and improve highway safety.

Within the trucking industry, America's Road Team members have appeared at truck shows, have visited truck stops, and have spoken to truck driver training schools. They've talked to executives and managers at trucking industry conventions and meetings, and have appeared at truck driving championships and motor carrier safety banquets and driver awards programs.

In these forums, the Teamster drivers and their colleagues have been an example for fellow drivers to follow, urging them to be as professional and courteous as the members of America's Road Team.

Teamsters Participate in 1990 Easter Seal Telethon



International Vice President Frank Hackett represented General President William J. McCarthy at the 1990 National Easter Seal Telethon.

n

d

0

it

he International Brotherhood of Teamsters is proud to report another successful year's participation in the annual National Easter Seal Telethon. This marks the 19th annual telethon for Easter Seals, and it reached an all-time high total of \$42,732,605.

The Telethon was held March 3–4, in Hollywood, California, with world renowned celebrity Pat Boone as host. Teamsters General President William J. McCarthy had prior to the Telethon met with the National Easter Seal child for 1990, Vanessa Vance, at the Teamsters General Executive Board meeting. At this recent meeting General President McCarthy and Vanessa made a videotape for Easter Seals that was aired during the telethon on Sunday, March 4 between 1:00–2:00 p.m. (EST).

General President McCarthy was

moved by the courage and spirit of Vanessa, and with her enthusiasm in representing the National Easter Seal Society. After meeting her, he was glad to know that the contributions from Teamsters to Easter Seals will assist people like Vanessa and other persons with disabilities.

Representing General President McCarthy for the live-on-air appearance was International Vice President Frank Hackett on Sunday, March 4. Vice President Hackett presented the International Brotherhood of Teamsters' contribution of \$100,000 during the Telethon. All across the country Teamster local unions also contributed to this year's Telethon. This brought the total donation by the International and local unions to a grand total of \$157,125.

Hackett Tells Viewers Of Longtime IBT Support

Vice President Hackett told Easters Seals and the television audience of millions: "On behalf of General President McCarthy and the nearly two million members of the International Brotherhood of Teamsters, we are very proud to have a part in the 1990 National Easter Seal Telethon." Hackett and the entire General Executive Board all had the privilege of meeting Vanessa Vance. At that meeting they all had firsthand evidence and saw living proof of the great work Easter Seals is doing in assisting so many Americans.

Hackett was impressed by the warm welcome that he, as the Teamster representative, received from Easter Seals. He said that Easter Seals looks upon the Teamsters Union as one of its loyalest and most generous corporate sponsors. Easter Seals has expressed its gratitude to the Teamsters for the Union's many years of support both locally and nationally.

The National Easter Seal Society feels that "social responsibility marketing" is its guiding principle for corporate sponsorship. The Society's real emphasis is on ongoing, community-based rehabilitation programs and services. Easter Seals also says that potential corporate partners are invited to support their programs and their mission—helping people of all ages who have disabilities achieve maximum independence.

Easter Seals feels that this type of rapport with sponsors is most successful. Back in 1980, Easter Seals' corporate sponsors contributed \$3 million. In 1989 the corporate support totaled \$13 million. Moreover, staff and associates of corporate sponsors gave hundreds of thousands of hours as volunteers to the Society. These dedicated sponsors created employment opportunities for hundreds of workers with disabilities, and they underwrote two major public education campaigns.

The annual Easter Seal Telethon is the Society's largest single fundraising event. The Teamsters Union has supported Easter Seals for many years, and is proud of the Union's involvement in the good work that Easter Seals continues to do for thousands of people.



International Vice President Frank Hackett recently met with 1990 National Easter Seal Society poster child Vanessa Vance at the Teamsters General Executive Board meeting in Phoenix, Arizona.

Teamsters Present Demands to Pan Am

ith Pan American World Airways (Pan Am) seeking a merger partner to bail it out of its financial problems, the Teamsters Airline Division has presented three key demands to Pan Am.

"Mergers and acquisitions have hurt thousands of workers in the airline industry," said William F. Genoese, director of the Division. "Big business doesn't care. It's up to the labor movement to protect the rights of the individual."

The Airline Division represents a broad cross section of 6,500 Pan Am employees—including reservations, passenger service and cargo agents, accounting and clerical people, stock clerks, and nurses.



Employees of Pan American World Airways in Rockleigh, New Jersey, protested the company's latest contract proposal by unanimously voting it down. Teamsters throughout the Pan Am system joined in rejecting the contract overwhelmingly. The proposal called for inferior wages and benefits.

Teamsters' Demands Seek Worker Protections

The Teamsters' three demands are:

- If Pan Am is sold or merged, the workers must go with the airline.
- There must be full protection for the workers' pensions.
- The 55 items which Pan Am imposed on the workers in 1988—including an eight percent pay cut—must be restored.

The Airline Division has an open contract with Pan Am and can legally strike at any time. The company has refused to have meaningful negotiations on a new contract.

The airline has reported a loss of \$336.6 million for 1989—in spite of a gain of \$110.5 million from the sale of its Pan Am World Services facility. It lost \$72.7 million in 1988.

"The company's problems are the result of gross mismanagement," a Division spokesman said. "Pan Am has lost approximately \$700 million since Chairman Thomas Plaskett came aboard."

Certification Sought at USAir

he IBT Airline Division has asked the National Mediation Board (NMB) to certify the Teamsters as the representative of 8,000 USAir fleet service employees in 127 cities from coast-to-coast.

Teamster attorneys filed a formal protest against an election conducted by the board after USAir's merger with Piedmont Airlines.

The election was tainted by company interference, according to William F. Genoese, director of the Division.

The Teamsters have asked for Congressional oversight hearings on the NMB's failure to crack down on USAir.

"The company intimidated the workers at a series of captiveaudience meetings on the job," Genoese said. "It hired highpriced outside lawyers to mastermind a campaign of illegal influence on the workers." In spite of the company's campaign, nearly 2,400 workers voted for Teamster representation.

Unlike the National Labor Relations Board, the National Mediation Board requires that 50 percent plus one of the eligible voters in its elections cast ballots for union representation in order for the election to be valid.

"If they had a rule like that in our national elections, we'd never elect a president or many members of the House and Senate," an Airline Division spokesman said. "Members of Congress have told us they can't believe such a rule exists. Our government has called for fair and free elections in Latin America and Eastern Europe—but not here."

As this issue of the *International Teamster* goes to press, the NMB has not yet ruled on the Teamster protest.

Airline Division Hosts Training Session

On Aircraft Accident Response



Nancy Garcia (left), director of Health and Safety for Local 2707, Los Angeles, CA, and Lorraine Laflin (center), a Division representative, were two of the instructors at the daylong Aircraft Accident Response Training seminar. Marv Griswold (right), secretary-treasurer of Local 2707, hosted the conference.

n response to a continuing concern about air traffic safety voiced by Teamster flight attendants, the Union's Airline Division recently sponsored a daylong seminar which focused on emergency aircraft situations and their effect on flight crew members.

Representatives from Northwest Airlines and World Airways attended the program held at Teamsters Airline, Aerospace and Allied Employees Local 2707 in Los Angeles, California.

In workshop sessions, the participants learned about aircraft accident reporting, and what to expect from the National Transportation Safety Board (NTSB) in its investigation of an incident. Detailing the steps involved in an investigation was Nora Marshal of the NTSB, who is a former flight attendant and a former member of Local 2707.

Flight attendant members also looked at the often traumatic impact of aircraft accidents, both serious and incidental, on crew members. They reviewed early warning signs to look for that could signal when a coworker is experiencing difficulty handling accident-related problems.

Instructors for the seminar also included Nancy Garcia, director of Health and Safety for Local 2707, and Lorraine Loflin, a Division representative. Garcia, a former fight attendant, has a master's degree in Public Health.

Stress Factors Studied

"In the sessions, we tried to sensitize people to potential problems crew members face as a result of traumatic incidents," Garcia said. "It's not only the major aircraft accident that we're talking about the one that gets all the publicity. It's also the cumulative effect of the day-to-day incidents that can create difficulties. It's the aborted takeoffs, the disruptive bomb threats, the disturbing air turbulence, the life-and-death situations when you need to administer CPR ... all these things add up to trauma and stress for individual crew members," she explained.

Contingency Planning

The Aircraft Accident Response Seminar was hosted by Marv Griswald, secretary-treasurer of Local 2707. "This is a topic that people are concerned about, but tend to put on a back burner because other problems are more immediate, more pressing. It's a case of having to learn things you hope you'll never need to use," Griswald said.

"We firmly believe that, as in any emergency situation, an aircraft accident can best be handled when workers are prepared in advance for any eventuality," he added. "We hope this seminar helped somewhat in achieving that goal."

Attending the seminar were representatives from Teamster Local 732 in New York, New York; State of Minnesota airline employees from Local 2747, in Bloomington, Minnesota; State of Michigan and Memphis, Tennessee, airline employees from Local 2757 in Romulus, Michigan; and members of Los Angeles host Local 2707.



Northwest Airlines flight attendants joined in the daylong seminar.



World Airways flight attendant representatives participated in workshops geared toward developing an emergency response plan for individual carriers.

Teamster Highway Hero Saves

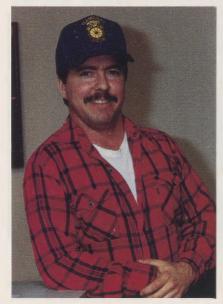
Three Youngsters from Burning Car

ichael Ryan, a member of Teamsters Local 588, Hayward, California, who drives for Bridgeford Distributing of Anaheim, CA, was one of four U.S. truck drivers honored for heroism on the nation's highways last year.

Risked Own Life To Save Children

In July, 1989, Ryan was in his truck, stuck in traffic and waiting to enter Route I-80 near Richmond, CA, when he saw a three-car accident with one of the cars burning. Thinking quickly and acting courageously, Ryan ran to the burning car to see if he could help. At that moment he spotted three children in the burning vehicle, and began to pull them out.

After safely retrieving the three children, Ryan noticed that the youngest, a four-year-old, wasn't breathing. Again, utilizing his training, he began to use CPR and restored the child's breathing.



Teamster hero Michael Ryan. (Courtesy of Goodyear Tire and Rubber Company)

". . . When I looked into that car all I could think of was my own little two-year-old. I had to go for it."

When asked why he rushed to the aid of the victims, Ryan said, "I'm just built that way. I'll pull over to help someone in a heartbeat; besides, when I looked into that car and saw those little kids, all I could think of was my own little two-year-old. I just had to go for it."

One of Finalists For National Award

Ryan is not only a hero in the eyes of the Teamsters Union, but he was also one of the three runners-up for the seventh annual Goodyear Tire and Rubber Company's "America's National Highway Hero" award. The award presentation was held at the Daytona International Speedway, Daytona, FL, just before the Daytona 500 race.

Goodyear named Ryan as its California Highway Hero of 1989. Mike Ryan, his wife, and their two year-old son make their home in Antioch, CA.

Soft Drink Meeting Held in Washington, D.C.





The Teamsters Brewery and Soft Drink Workers Conference held a meeting in Washington, D.C., March 6–7 to focus on problems being faced by soft drink workers employed by the Marvin Herb/Keystone Coke company. Among the topics reviewed were concerns about proposed company changes in members' health and welfare plans, in pensions, and in the duration of contract agreements. Heading up the meeting were (above left, from left to right): Conference Director David Laughton, Administrative Assistant Bill Young, and International Representative Vince Murphy. (Above right): Twenty members from 15 locals in the Central and Eastern Conferences attended the session. Also on hand were representatives from the International's Legal, Legislative, and Education Departments, and from the IBT Information Center.

Canal Commission Reviews Panama Condition; Teamster Leader Applauds Workers' Courage

nternational Vice President Walter J. Shea, a member of the Panama Canal Commission, joined his fellow board members on a five-day trip to review the military, political, and economic situation in Panama. This was the first time the Commission was able to convene in Panama since 1987.

Shea, who arrived on January 29 and departed February 2, applauded the courage and determination of the canal workers who remained at their work stations throughout the recent military actions involving the United States and the Panamanian Defense Forces loyal to deposed dictator Manuel Noriega.

"Thanks to the dedication and heroism of the men and women of the Canal work force, there was minimal disruption of Canal functions during 'Operation Just Cause,' "Shea said, noting that the canal was able to maintain operations despite the political and economic chaos left in the wake of the invasion.

Commission Members Briefed By U.S. Military Commanders

The Canal Commission members were updated by U.S. military commanders on the present military situation and on the continuing strategic significance of the Panama Canal. Shea praised the

International Vice President Shea (seated far right), along with other members of the

International Vice President Shea (seated far right), along with other members of the Panama Canal Commission's Board of Directors, was in Panama recently for a briefing on "Operation Just Cause," the U.S. military operation which unseated former Panamanian dictator Manuel Noriega from power. Briefing Commission board members is Major General Marc Cisneros, Commander, U.S. Army South.



International Vice President Walter J. Shea, a member of the Panama Canal Commission Board of Directors, addresses Marine Bureau employees singled out for their contributions toward keeping the Panama Canal running after the U.S. military ousted former Panamanian dictator Manuel Noriega. Shea was in Panama with other Commission Directors in January.

"All Americans should be proud of the performance of the U.S. armed forces during and after the recent military action in Panama. . . . Panama has a much brighter future today then it did six months ago."

— Walter J. Shea IBT Vice President U.S. military for its efforts toward restoring peace and order in Panama and for its cooperation with the new Panamanian government. "All Americans should be proud of the performance of the U.S. armed forces during and after the recent

military action in Panama," Shea said. "As a result, Panama has a much brighter future today than it did six months ago."

The Panama Canal Commission is scheduled to convene its next meeting in Panama on April 4.

Report X to All Members of the **International Brotherhood of Teamsters**

From: Frederick B. Lacey, Independent Administrator

INTRODUCTION

In this Report, I will identify the individuals charged by the Investigations Officer to date. Before doing so, however, I will tell you about the recent ruling by Judge Edelstein in which he directed the IBT to publish this information. This Report will also describe a dispute which arose between the Investigations Officer and the IBT, but was eventually resolved after the Government intervened. Next, I will bring you up-to-date on the status of the IBT's appeals of Judge Edelstein's Orders. Finally, I will clarify an entry in my Report VIII regarding the salary of Vice-President Jack D. Cox.

DISCIPLINARY CHARGES

In my Report VIII (February 1990 International Teamster at p. 15), I told you that the IBT had refused to publish in this magazine the names of those charged by the Investigations Officers. I challenged the IBT's position on this issue before United States District Judge David N. Edelstein, and on February 27, 1990, Judge Edelstein issued a Memorandum and Order agreeing with my position. Pursuant to a previous order of Judge Edelstein, a copy of his Memorandum and Order of February 27, 1990, should appear elsewhere in this magazine.

Judge Edelstein also decided that the IBT can no longer censor my Reports to you. If, in the future, the IBT wants to delete any portion of one of these Reports, it must first try to resolve its concerns with me. If I do not agree with its position, and your leadership wishes to press the matter, it must file an Application with Judge Edelstein. Judge Edelstein will then make a final determination on the issue. This procedure is set forth in detail in his Memorandum and Order.

I will now set forth the identities of those charged by Mr. Carberry, the Investigations Officer, to date, their Union position(s) and the nature of those charges. Before doing so, however, I caution you that these are only charges; the burden of proving them rests upon the Investigations Officer.

Twelve charges have been filed against IBT officers and members based upon allegations that they have conducted themselves in a manner to bring reproach upon the IBT by knowingly associating with organized crime families of La Cosa Nostra. The twelve individuals charged in this way are:

Theodore Cozza:

IBT Vice President; Member of IBT General Executive Board; President of Local 211 (Pittsburgh); Secretary/Treasurer of the Eastern Conference: Administrator Chairman of Joint Board of Local 211: Chairman/Trustee of Local 211 Employee Welfare Fund; Chairman Pre-pay Services: Trustee of Eastern Conference Retirement Fund.

Harold Friedman:

Former IBT Vice president and member of IBT General Executive Board; member of the Policy Committee of the Central Conference of Teamsters: President of the Ohio Conference; President of Joint Council 41; President of Local 507 (Cleveland); and Administrator and Trustee of Joint Council 41 Severance Plan.

Dominic Senese:

President of Local 703

(Chicago)

Charles O'Brien:

International Represen-

tative

Cirino

"Charles" Salerno:

President of Local 272 (New York, New York)

James Vincent Cozzo:

Executive Coordinator of Local 786 (Chicago).²

¹ This list does not include the first set of charges brought against Messrs. Friedman and Hughes since those charges have been detailed in previous Reports.

² By letter dated Februry 19, 1990, I was informed by Anthony Pinelli, an attorney representing Local 786, that Mr. Cozzo "has not been employed by Local 786 since July 9, 1989. Additionally, he has taken a withdrawal card and is not an active member of the Local Union." This letter has been forwarded to the Investigations Officer for his consider-

³ In the same charge the Investigations Officer also alleges that Mr. Talerico has brought reproach upon the IBT "by unlawfully refusing to answer questions before a federal grand jury investigating the skimming of funds from a Las Vegas casino, which contumacious conduct was the basis of [Mr. Talerico's] conviction for criminal contempt in violation of [federal law] in the United States District Court for the District of Nevada, ... and for ... being held in civil contempt in that district."

Joseph Talerico:3 Business Agent of Local 727 (Chicago). President of Local 777 Joseph Glimco, Sr.:4 (Chicago). William Cutolo:5 President and Business Agent of Local 861 (New York, New York). Warren Selvaggi: President of Local 240 (Bronx, New York). Secretary-Treasurer of Joseph Pecora, Sr.:6 Local 863 (Mountainside, New Jersey). Vincent Gugliaro:7 Vice President of Local 617 (Jersey City, New Jer-

Edward Martinez, former Secretary-Treasurer and Business Agent of Local 808 (Queens, New York), was also charged by Mr. Carberry with bringing reproach upon the union by "illegally and unlawfully attempt[ing] to obtain excess severance pay for John S. Mahoney, Jr., from Local 808" and "illegally and unlawfully caus[ing] a check drawn upon Local 808 ... in the amount of \$9,000.00 to be issued for the payment of legal defense fees for benefit of John S. Mahoney, Jr., in a matter which resulted in his criminal conviction." Subsequent to the filing of these charges, Martinez resigned his positions at Local 808, and Mr. Carberry has suggested that I suspend any hearing on the charges against Mr. Martinez. Mr. Carberry has further suggested that if Mr. Martinez again becomes a member, or an employee of the IBT, the charges could be brought from the suspension list to the active docket, thus reinstating the original charges. I have adopted Mr. Carberry's suggestions.

Mr. Carberry has also filed three sets of charges regarding an alleged violation of Article XIX, 6(b) of the IBT Constitution, by virtue of the alleged "disruption of a union meeting, assaulting and provoking others to assault fellow members, and failure to follow the rules of order and similar conduct in a place used to conduct union business." These charges arise from a 1983 incident wherein the charged parties are alleged to have "disrupted a meeting of the Teamsters for a Democratic Union ... at the Airport Hilton Hotel, in Romulus, Michigan." The three individuals charged in relation to this incident are

as follows:

Edward Kantzler: Recently Retired. Former

Trade Division Director of the Central Conference of

Teamsters.

William Bernard: Recording Secretary of

Joint Council 43 (Detroit): Member of the Board of Administration of the Joint Council 43 Severance Payment Plan

(Detroit.)

Dennis Hands: President and Business Agent of Local 164 (Jack-

son, Michigan).

In addition, Mr. Carberry has brought charges against two officers of Local 191 in Bridgeport, Connecticut, arising out of their 1986 indictment in the United States District Court for the District of Connecticut, in an action entitled United States of America v Anthony G. Rosetti, et. al. (Cr. No. N-86-30. (D. Conn.) (the "Indictment"). The officers charged are Joseph M. Roberto (former Secretary-Treasurer of Local 191) and Mario J. Salvatore (former Business Agent and Warden of Local 191 and current Secretary-Treasurer).

In the Indictment, Messrs. Roberto and Salvatore were charged with embezzling monies from the Local 191 Health Services and Insurance Plan (the "Plan"). Both pleaded guilty to substitute charges arising out of the underlying charges of the Indictment pursuant to a plea agreement entered into with the Government. Mr. Carberry has further charged Messrs. Roberto and Salvatore with embezzling and converting to their own use, and the use of others, union funds and assets.

In connection with these same activities, Mr. Carberry has also filed a separate charge against the Executive Board of Local 191, alleging, inter alia, violations of Article XIX, 6(b) of the IBT Constitution by: "(i) proceeding in a manner inconsistent with its own Constitution and By-Laws; (ii) its executive board failing to perform its duties to the membership of the Local; and (iii) members of the executive board embezzling the union's funds and property.'

Three charges have also recently been filed by Mr. Carberry against Edward Brereton, Secretary-Treasurer of Local 443 in New Haven, Connecticut, and member of Joint Council 64, also in New Haven. The charges against Mr. Brereton arise out of a number of alleged improprieties at Local 443. Mr. Brereton is charged as follows:

Charge 1

Violating Article II, 2(a) of the IBT Constitution, by conducting yourself in a manner to bring reproach upon the IBT; and

Violating Article XIX, 6(b) of the IBT Constitution, by failing to perform your duties as a union officer and embezzling and converting to your own use and the use of others union funds; and

Violating Article XIV, 1(d) of the Constitution and By-laws of Teamster Local 443, by failing to perform

⁴ The Investigations Officer alleges that Mr. Glimco was actually a member of La Cosa Nostra while an officer of Local 777. In addition, the Investigations Officer charges that Mr. Glimco has brought reproach upon the IBT "by receiving illegal labor payments from employers [which] conduct was the basis of [Mr. Glimco's] conviction for violating [federal law] in the United States District Court for the Northern District of Illinois in February 1969.

Mr. Cutolo was charged both with associating with members of La Cosa Nostra as well as being a member of La Cosa Nostra.

⁶ Mr. Pecora was charged both with associating with members of La Cosa Nostra as well as being a member of La Cosa Nostra.

Mr. Gugliaro was charged both with associating with members of La Cosa Nostra as well as being a member of La Cosa Nostra.

Report X to All Members (continued)

your duty as an officer of Local 443 to investigate and take appropriate action regarding breaches of fiduciary duties by officers of Local 443;

TO WIT, you have endorsed, participated in and abetted schemes to defraud the membership of Local 443 of its funds and property. In addition, you have breached your duties to the members of Local 443 by having (i) deliberately failed to investigate breaches of fiduciary duties by officers of Local 443; (ii) deliberately failed to commence disciplinary proceedings against Local 443 officers who have been instrumental in or profited from fraudulent schemes and improper division of union property; and (iii) failed to seek recovery from officers whom you have known wrongfully obtained union funds and property under those schemes. . . .

Charge 2

Violation of Article IX, 5 of the Constitution and By-laws of Local 443; and violation of Article XVII, 3 of the Constitution and By-laws of Local 443;

TO WIT, as Secretary-Treasurer of Local 443 it was your duty under Article IX, 5 of the Local 443 Constitution and By-laws to be 'a trustee for any property owned by [Local 443] by virtue of [your] office....'

Charge 3

1. Violating Article XIX, 6(b) of the IBT Constitution, by engaging in conduct that interfered with and was disruptive of Local 443's legal obligations;

2. Filing false and misleading Labor Organization Annual Reports (Form LM-2) in violation of law;

TO WIT, you have filed and caused to be filed misleading Form LM-2s with the United States Department of Labor. These false LM-2s were designed to defraud the Department of Labor and the members of Local 443....

Related to the Brereton charges, Mr. Carberry has filed two separate charges against the Executive Board of Local 443. The charges are as follows:

Charge 1

Violating Article II, 2(a) of the IBT Constitution, by conducting itself in a manner to bring reproach upon the IBT; and

Violating Atticle XIX, 6(b) of the IBT Constitution, by failing to protect the members' funds and property as required and instead allowing the funds and property to be embezzled and converted to the use of others; and

Violating Article XIV, 1(d) of the Constitution and By-laws of Teamster Local 443, by the failure of the Local 443 executive board to perform its duty to investigate and take appropriate action regarding breaches of fiduciary duties by officers of Local 443;

TO WIT, the Local's executive board endorsed, participated in and abetted schemes to defraud the membership of Local 443 of its funds and property. In addition, it breached its duties to the members of Local 443 by having (i) deliberately failed to investigate breaches of fiduciary duties by officers of Local 443; (ii) deliberately failed to commence disciplinary proceedings against Local 443 officers who have been instrumental in or profited from fraudulent schemes and improper division of union property; and (iii) failed to seek recovery from officers whom it knew wrongfully obtained union funds and property under those schemes. . . .

Charge 2

1. Violating Article XIX, 6(b) of the IBT Constitution, by engaging in conduct that interfered with and was disruptive of Local 443's legal obligations; and

2. Filing false and misleading Labor Organization Annual Reports (Form LM-2) in violation of law;

TO WIT, Local 443 filed and caused to be filed misleading Form LM-2s with the United States Department of Labor. These false LM-2s were designed to defraud the Department of Labor and the members of Local 443....

Next, Mr. Carberry has filed seven charges against George J. Vitale, an International Vice President and President of Local 283 in Michigan. Mr. Vitale has been charged as follows:

Charge 1

You are charged, while President of Local 283, with embezzling approximately \$10,116.00 from the Local in violation of Article XIX, 6(b)(3) of the IBT Constitution and 29 U.S.C. 501(c) by converting to your own use FICA contributions paid on your behalf by Local 283, when you knew your FICA taxes were at the same time paid in full on your behalf by the International Brotherhood of Teamsters ("IBT") to wit:

FICA is a federal tax imposed on individuals. For the years 1987, 1988 and 1989 the maximum FICA tax was \$3,131.70, \$3,379.50 and \$3,604.80, respectively. This FICA maximum was reached when an individual earned salaries of \$43,800, \$45,000 and \$48,000, respectively. There was no FICA tax imposed on salaries above this point. . . .

Charge 2

You are charged with attempting, while President of Local 283, to embezzle property of the Local in violation of Article XIX, 6(b)(1) and (3) of the IBT Constitution, 16(C) of the Local 283 By-laws, and 29 U.S.C. 501(c). You are also charged with bringing reproach upon the IBT through this conduct and breaking your oath in violation of Article II, 2(a) and Article XIX, 6(b)(2).

TO WIT, in disregard of your fiduciary duties to the membership of Local 283, you authorized the Local to purchase in or after August 1989 for your use a new Lincoln Town Car, at a cost to the local union of approximately \$25,000...

Charge 3

You are charged with embezzling monies from Local 283 in violation of IBT Constitution Article XIX, 6(b)(3) and 29 U.S.C. 501(c). You are also charged with bringing reproach upon the IBT through this conduct and breaking your oath in violation of Article II, 2(a).

TO WIT, on or about March 22, 1968, while you were Vice President of Local 283, you converted over \$1,200 of the Local's property to your own use. This criminal conversion formed the basis of your conviction, after a jury trial, in *United States v. George Vitale*, Cr. Action No. 1.46191 (E.D. Mich.). The judgment of conviction in that case was entered on March 7, 1973. Your conviction was affirmed by the United States Court of Appeals for the Sixth Circuit on January 15, 1974. 489 F.2d 1367.

Charge 4

You are charged with breaching your fiduciary duties to the members of Local 283, and violating IBT Constitution Article XIX, 6(b)(2) by violating your oath of office and bringing reproach upon the IBT, to wit: while Recording Secretary of Local 283, on June 30, 1966, you accepted money from an employer who employed members of Local 283. This conduct formed the basis of your guilty plea to a violation of 29 U.S.C. 186(b)(1) in *United States v. Vitale*, Cr. No. 47912 (E.D. Mich.).

Charge 5

You are charged with aiding and assisting Francis Richard Fitzsimmons, an officer of Local 299, International Organizer and Trustee of the Michigan Conference of Teamsters Welfare Fund (the "Fund") to unlawfully solicit money from Alan Dorfman, an officer of a service provider of the Fund and a known associate of Joseph Lombardo, a member of the Chicago Family of La Cosa Nostra, to assist Fitzsimmons to pay his legal fees in a then pending criminal action. Dorfman had been convicted in 1973 of conspiracy to violate 18 U.S.C. 1954 by accepting a bribe for influencing the operations of an employee pension plan. In or about September 1979, you sought a contribution from Dorfman, on behalf of Francis Richard Fitzsimmons to pay for Fitzsimmons' legal fees in United States v. Fitzsimmons, Cr. No. 80437 (E.D. Mich.), in which Fitzsimmons was charged with illegal receipt of labor payments in violation of the Taft-Hartley Act. This solicitation from a service provider and convicted felon, on

behalf of an officer of a union welfare plan, was in violation of 18 U.S.C. 1954 and 2, a breach of your oath of office and brought reproach upon the union, in violation of IBT Constitution Article II, 2(a) and XIX, 6(b).

Charge 6

To further your pattern and practice of using your positions at Local 283 corruptly and for your personal benefit, you have actively discouraged members' participation in the affairs of the union and deliberately sought to keep them ignorant of the duties and actions of the executive board of Local 283, and otherwise sought to keep hidden union information of which the membership should have been informed, in violation of your fiduciary duties as an officer of Local 283, IBT Constitution Article XIX, 6(b), Article XXII, 4, Local 283 By-laws, 15, and 29 U.S.C. 411(a), 431(c) and 501(a).

TO WIT: In breach of your fiduciary duties as an officer, and the rights of the membership, you have deliberately sought to illegally prohibit access by members of the Local, and your opponents for union office, to local union information they had a right to review under federal law, the IBT Constitution and the by-laws of Local 283. . . .

Charge 7

Violation Article XIX, 6(b) of the IBT Constitution, by engaging in conduct that interfered with and was disruptive of Local 283's legal obligations; and

Filing false and misleading Labor Organization Annual Report (Form LM-2) in violation of law;

TO WIT, you have filed and caused to be filed a misleading Form LM-2 for Local 283 with the United States Department of Labor. This false LM-2 was designed to defraud the Department of Labor and the members of Local 283. The 1987 Form LM-2 which you signed as President of Local 283, failed to disclose that in 1987 you were paid an additional \$3,379.50 by Local 283, purportedly to pay your FICA tax obligation for that year which, in fact, had already been paid by the IBT on your behalf. In addition, the 1987 Form LM-2 also failed to disclose that such extra pay was paid to all of the officers and paid employees of Local 283. Instead, in a deliberate attempt to hide this unjustified pay raise from the Department of Labor and the members of Local 283, the 1987 Form LM-2 merely listed a lump-sum, unattributed "payroll disbursement" of approximately \$15,000 for 1987, in the schedule on LM-2 designed to account only for miscellaneous expenditures of local funds. This increased compensation to the paid officers and employees was not disclosed in the LM-2 schedules whose purpose is to reveal the amount of compensation paid to officers and employees out of union funds, in order to mislead the members and the Department of Labor. Most recently, Mr. Carberry has filed a charge against the Executive Board of Local 507. This is the Local, located in Cleveland, Ohio, in which the activities occurred that were the bases of the federal convictions of Harold Friedman and Anthony Hughes. Mr. Carberry alleges, *interalia*, that the Local 507 Executive Board, of which Messrs. Friedman and Hughes are members, is charged as follows:

Charge

Violating Article XIX, 6(b) of the IBT Constitution, by failing to protect the members' funds and property as required and instead allowing the members' funds to be embezzled and converted to its own use and the use of others;

Violating Article XXI of the Constitution and Bylaws of Local 507, by willfully failing to hold the money and property of the union solely for the benefit of the union and instead participating in schemes to convert and embezzle union money for its own use and the use of others;

Violating Article II, 2(a) of the IBT Constitution, by conducting itself in a manner to bring reproach upon the IBT; and Violating 29 U.S.C. 501:

TO WIT: The Local 507 executive board endorsed, participated in and abetted schemes to defraud the membership of the Local of its funds and property. In addition, the executive board breached its fiduciary duties to the members of the union by deliberately failing to investigate breaches of fiduciary duty by fellow officers of Local 507. Instead, the executive board of Local 507 has devoted its efforts, and local union funds, to schemes and devices designed to assist members of the board to escape the consequences of their criminal acts. . . .

Given the number of charges that have been filed to date, I anticipate scheduling hearings each month. Again, these are merely charges; the Investigations Officer has the burden of proving them. I will, of course, report to you on the results of the hearings as they are completed.

III THE IBT'S DISPUTE WITH THE INVESTIGATIONS OFFICER

As you know, the Investigations Officer has met some resistance in the performance of his duties. I will briefly discuss one dispute that arose between the IBT and the Investigations Officer.

The Consent Order grants the Investigations Officer the right to examine books and records of the IBT and its affiliates. While the IBT had permitted the Investigations Officer to inspect certain documents, it had refused to allow him to obtain copies of those documents. This prompted the Government to seek an Order from Judge Edelstein, requiring the IBT to "show cause" why an Order

should not be entered which would authorize the Investigations Officer to obtain, at the IBT's expense and by reasonable means chosen by the Investigations Officer, copies of any and all documents examined by the Investigations Officer pursuant to the Court Order. Judge Edelstein signed such an Order to Show Cause on January 30, 1990. I have asked your leadership to publish a copy of that Order in this issue of the *International Teamster*.

Subsequent to the signing of that Order, the IBT voluntarily permitted the Investigations Officer to obtain copies of the desired documents.

IV THE STATUS OF THE IBT'S APPEALS

By order of October 18, 1989, Judge Edelstein ruled on my Application II and in so doing set forth the scope of the Election Officers's rights and responsibilities under the Consent Order. See December 1989 International Teamster at pp. 18–23. The IBT's appeal of that ruling was dismissed by the United States Court of Appeals for the Second Circuit on December 13, 1989. The IBT also appealed Judge Edelstein's November 16, 1989, ruling on my Application VI regarding the publishing of my monthly Reports in this magazine. See December 1989 International Teamster at pp. 31–32. On December 13, 1989, the Second Circuit Court of Appeals also dismissed that appeal.

Thereafter, the IBT asked the Court of Appeals to reconsider its decision. The Court of Appeals denied that request on February 12, 1990.

The IBT, as well as some Locals and Joint Conferences, have recently filed an appeal of Judge Edelstein's January 17, 1990, Opinion and Order. See February 1990 International Teamster at pp. 17–32.

V A CLARIFICATION OF VICE PRESIDENT COX'S SALARY

Mr. Grady has asked that I publish the following clarification of Vice President Cox's 1988 salary and expenses, which were published in my Report VIII, in the February, 1990, issue of the *International Teamster* at p. 15:

Wages for November and December 1987 from Local 572 (\$1,739.00 per week for nine weeks totaling \$15,651.00) were not paid in November and December of 1987 but in 1988 at [Mr. Cox's] request.

The computations also represent seven weeks vacation pay from Local 572 in lieu of vacation from 1987, but not paid until 1988. (Seven weeks at \$1,739.00 totaling \$12,173.00)

Thus, \$27,824.00 of Mr. Cox's \$186,253.66 salary collected in 1988, was actually earned in 1987.

VI CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administator LeBoeuf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102

s-gery y

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022 Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue, N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, N.Y. 10007

Court Orders of Judge Edelstein

United States District Court Southern District of New York

ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

-against-

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

WHEREAS it appears to the Court that it is reasonable and necessary for the Investigations Officer in connection with his examination of the books and records of the IBT, to obtain copies of documents that he has examined, and

WHEREAS it appears to the Court that in response to requests of the Investigations Officer, IBT General Counsel James T. Grady has refused to permit the Investigations Officer to obtain copies of the IBT documents that he has examined, and

WHEREAS it appears to the Court that the Investigations Officer's ability to obtain copies of documents that he has examined pursuant to the Consent Order is a reasonable and necessary incident to his power under the Consent Order to be fully informed about the activities of the IBT and his right under the Consent Order to examine the books and records of the IBT and its affiliates, it is hereby

ORDERED that IBT General Counsel James T. Grady appear before this Court on the 14th day of February, 1990, at 2:00 p.m., in Courtroom 1105 of the United States Courthouse, Foley Square, New York, New York, and show cause why this Court should not issue an order authorizing the Investigations Officer to obtain, at the IBT's expense and by any reasonable means chosen by the Investigations Officer, copies of any and all documents examined by the Investigations Officer pursuant to the Consent Order; and it is further

ORDERED that, because (i) the Consent Order (at ¶ 12(C)(i)(a)) expressly gives the Investigations Officer the right "to examine the books and records of the IBT and its affiliates," (ii) there appears to be no just reason for Mr. Grady to refuse to permit the Investigations Officer to obtain copies of documents that the Investigations Officer has examined to date pursuant to the Consent Order, and (iii) the IBT will suffer no irreparable harm if the Court permits the Investigations Officer to obtain copies of those documents that he has already examined or will have examine [sic] prior to the return date of this Order to Show Cause, Mr. Grady and the IBT are hereby required and directed to provide immediately to the

WHEREAS the Court has read the attached Declaration of Peter C. Sprung, executed on January 30, 1990, and is thoroughly familiar with it and with all other papers and proceedings in this action; and

WHEREAS, pursuant to paragraph 12(C)(i) of the March 14, 1989 Order (the "Consent Order") in this action, the Investigations Officer appointed by the Court has the authority to take such reasonable steps as are lawful and necessary in order to be fully informed about the activities of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (the "IBT"); and

WHEREAS, pursuant to paragraph 12(C)(i)(a) of the Consent Order, the Investigations Officer or his designees (hereinafter, collectively referred to as "the Investigations Officer") has the right to examine books and records of the IBT and its affiliates, and

Investigations Officer copies of all documents that the Investigations Officer examines and requests be copied, at the IBT's expense; and it is further

ORDERED that service by hand or by facsimile transmission of this Order to Show Cause and supporting papers by plaintiff United States of America on Mr. Grady and on counsel of record for the IBT by 4:00 p.m. on the 30th

day of January, 1990, shall be good and sufficient service hereof.

Dated: New York, New York

January 30, 1990

Time: 12:20 p.m.

United States District Judge

fi

United States District Court Southern District of New York

MEMORANDUM & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of

-V-

X

Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

In Re:

Application VIII by the Independent Administrator

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by the plaintiffs United States of America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB") embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials, the Independent Administrator to oversee the [sic] all aspects of the Consent Decree, an Investigations Officer to bring charges against corrupt IBT members, and an Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The ultimate goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election, prosecution, and other provisions.

I. Background

This current dispute involves the unwillingness of the IBT to publish in the International Teamster the names of IBT members who face pending disciplinary charges filed against them by the Investigations Officer. The Independent Administrator seeks to include these names in his monthly Report to the Membership included in each issue. This disagreement has culminated in Application VIII of the Independent Administrator, which asked this Court to further interpret paragraph F.12.(E) of the Consent Decree ("¶12.(E)")—the provision that authorized the Independent Administrator to report to the membership in the International Teamster—as permitting such publication.

The specific problem which led to this Application stems from the IBT's refusal to print in full Report V of the Independent Administrator in the November, 1989 issue of the International Teamster. In that instance, the IBT declined to print the names of five IBT individuals against whom the Investigations Officer had filed charges. The Independent Administrator subsequently sought to publish the names of those charged in his Report VII in the January issue of the International Teamster, and this effort was similarly refused by the IBT. This second negation spawned a series of exchanges between the Independent Administrator and the IBT which resulted in Application VIII.

In response to Application VIII, both the IBT and the Independent Administrator seek a series of definitive and modifying determinations. The Independent Administrator asks this Court to rule (1) that the IBT must publish in the International Teamster the names of those charged by the Investigations Officer; (2) that the IBT gain approval from the Independent Administrator for any editorial changes in his monthly reports to the membership; (3) that should the Independent Administrator disagree with the IBT's changes, the matter be brought before this Court by way of Application; (4) while such an Application may pend, the IBT shall refrain from publishing that issue of the International Teamster. For their part, the IBT seeks (1) this Court's approval of their refusal to print the names; and (2) a series of reinterpretations of this Court's earlier rulings—in an Order dated November 16, 1989 (the "November 16 Order") and the Opinion and Order dated January 17, 1990 (the "January 17, 1990 Opinion")that interpreted ¶12.(E).

II. Discussion

e

ne

es

es

in

ed

ne

ed

h

15

ne

ie

st

10

ie

rt

nt

n

e

d

r

al

al

A. Publication of Names in the International Teamster

The positions of the relevant parties regarding the core of this dispute—whether the IBT must publish the names of those charged by the Investigations Officer—are relatively clear. The IBT objects to the Independent Administrator's desire to publish these names in his monthly report lest the IBT be liable for the tort of libel. The IBT further fears that the charged persons may be tainted as guilty before the cases are heard by the Independent Administrator.

The Government has supported the Independent Administrator's right to publish the charges, and refutes the IBT's claims of potential liability. The Government believes that the Independent Administrator's reports are quasijudicial and privileged. The Government paints the IBT's refusal to print the names of charged persons as censorship, and violative of ¶12.(E), the November 19, 1989 Order, and the spirit and intent of the Consent Decree.

As a preliminary matter, this Court views the IBT's fears of tort liability as illusory. It must be clear to the IBT that publishing the names pursuant to an order of this Court leaves them with no alternative other than contempt of court should they fail to comply. The publication of names by the IBT will be done pursuant to order of this Court.

In earlier rulings on this matter, this Court has consistently interpreted ¶12.(E) as granting the Independent Administrator a broad mandate to communicate with the IBT membership. This Court cannot emphasize strongly enough the critical importance of regular, accurate, and comprehensive dissemination of information to the rank and file regarding the current status of the Consent Decree. The International Teamster is the only means for the Court Officers to directly reach the membership. Since the implementation of the Consent Decree, the monthly reports of the Independent Administrator have comprehensively summarized the ongoing implementation of the Consent Decree. The aggressive response of the IBT to those reports testifies to the fact that these monthly communications are widely read and understood by the membership.

While in their papers the parties discuss a number of potential issues, the only relevant point of inquiry is whether ¶12.(E) of the Consent Decree should be interpreted to permit the dissemination of this information. Upon review of that provision, and the spirit and intent of the Consent Decree, that specific request of the Independent Administrator is granted.

In this instance, this Court finds that the benefits to the IBT membership of receiving full information about the Consent Decree, specifically the names of those charged, is highly useful information to the membership. The rank and file are the ultimate interested parties in this remedial scheme, and they have a right to be informed of all the actions that happen in this litigation. To this end, this Court has previously found that under ¶12.(E), the Independent Administrator should have monthly communications with the membership, either in the International Teamster, or by direct mail. Further, under ¶12.(E), this Court has ordered that all orders of this Court be published in the International Teamster, so that the membership would be kept appraised of the current ongoing litigation. Ultimately, the rank and file have the most acute interest in being appraised of those IBT members charged by the Investigations Officer.

The names of those formally charged by the Investigations Officer are submitted to this Court, and filed to become part of the public record. Paragraph 12.(E) surely intends that the IBT members be kept appraised of matters wholly public and directly relating to the actions of the Court Officers. The Independent Administrator should report on those charged, those convicted, and those exonerated of the charges. In addition, the spirit and intent of the Consent Decree—to promote democratic, secret ballot elections, and rid the IBT of the hideous influence of organized crime—strongly favors informing the rank and file of which IBT members are facing charges.

B. Revised Procedures for Editing the Monthly Report

The Independent Administrator asks this Court to place the onus of editing portions his monthly reports onto the IBT, by requiring them to proceed by Application to this Court should they seek to edit his piece in the International Teamster. In the past, this Court has specified revised procedures for complying with the Consent Decree, or modified some procedural mechanisms—such as funding or the filing of Applications—for efficiency and expediency. See, e.g., 723 F. Supp. 203, 205. To devise a process which resolves disputes over the content of communications with the membership seems a reasonable exercise of this Court's authority.

The current anarchic confrontations that now surrounds dispute involving the Independent Administrator's obligations to report to the membership under ¶12.(E) shall be supplanted by the following process:

1.(a) Should the IBT object to the content of any communication from the Court Officers to be published in the monthly issue of the International Teamster, the IBT shall contact the Independent Administrator within twenty four hours after they receive the piece, note their objection, and attempt to resolve the conflict. From the date of the IBT's receipt of the piece in question, (the "publication receipt day"), the IBT and the Independent Administrator shall have two (2) business days to resolve the conflict (the "notification of publication dispute dead-line").

(b) If the parties cannot settle the matter, the Independent Administrator shall file a letter with the Court, styled a "Notification of Publication Dispute Letter," indicating the existence of the dispute. This letter shall also be served by hand upon my chambers, the IBT's

Court Orders (continued)

outside counsel, and the Government, and by hand or by telefax upon the IBT, all by no later than 5:00 on the day of the notification of publication dispute deadline.

2.(a) Should they still object, the IBT may file an Application to this Court submitting the question for judicial resolution, and that month's issue of the International Teamster shall be held in abeyance until this Court rules on the Application. This Application shall be on notice to the Court, the Independent Administrator, and the Government, and must be fully submitted within two (2) business days after the Independent Administrator files the Notification of Publication Dispute Letter.

(b) The Independent Administrator and Government shall have two (2) business days to respond from the date

of full submission of the Application.

3. Absent an Application by the IBT as provided in 2.(a), the report shall be published as submitted by the Independent Administrator.

4. The timing provisions shall be calculated using the formula provided in Rule 6 of the Federal Rules of Civil

Procedure.

This formal procedure should guarantee that disputes over the International Teamster be resolved in an expedient and fair manner. Further, the IBT must now shoulder the burden of demonstrating the inappropriateness of material for publication. All parties should remember this Court's view that the IBT membership must be kept fully appraised of the developments in this litigation.

As a final note, if significant disagreements over other forms of communication arise between the Court Officers to the IBT membership, the Independent Administrator may ask this Court to expand this procedure to include

those correspondences.

C. Request for Modification of Earlier Rulings

The IBT requests that this Court clarify three points concerning its earlier rulings interpreting ¶12.(E). Specifically, the IBT asks this Court to alter (1) its order which requires all orders to be published in the International Teamster to eliminate some, (2) its order that all opinions must be published unedited but in full, and (3) the Court's supposed ban on any IBT commentary on this Court's opinions.

This Court's rulings with respect to the publication of its orders in the <u>International Teamster</u> are crystalline. All orders are to be published in full. It would seem

impossible to further clarify such a command.

The IBT requests that this Court identify which of its rulings should be published. The IBT points out that while this Court ordered all rulings of this Court to be published in the International Teamster, they feel some orders involve trivial or minor matters and are inappropriate for publication. This Court will not determine which of its pronouncements are suitable for publication since it would be impossible to choose to the satisfaction of all parties. Therefore this request must be denied. In the interests of completeness, the membership must be kept fully informed of all ongoings in this case.

The IBT also asks whether the January 17, 1990 Opinion and Order of this Court modifies the earlier November 16, 1989 Order to hold that the IBT need only publish the actual rulings, rather than the entire opinions. The January 17, 1990 Opinion in no way modifies the November 16, 1989 Order as the IBT asks.

Further, the IBT asks that this Court permit the IBT to edit out purely legal discussions, so as not to bore the members with what it feels are irrelevant discussions. While the Court understands that much of legal opinions may not innervate the IBT rank and file, it does provide a basis for understanding how the Court arrived at its decision. The many letters my chamber receives daily indicate that the membership gleans some real insight into what takes place in this case through these opinions. In addition, editing in no way assures that the opinions will be any more readable, understandable, or entertaining. Therefore, all orders of this Court shall be reproduced in full.

Finally, the IBT asks this Court to state whether its ruling in the November 16, 1989 Opinion precludes the IBT from commenting on this Court's opinions. I will now firmly state that the IBT is in no way barred from any commentary on any of my opinions in this case. As I said to General Counsel Grady on this subject at the hearing of October 13, 1989, "You can speak to your heart's content. Nobody is gagging you," October 13, 1989 Hearing, Transcript at 59, and that remains true now. The only limitation on the IBT's ability to comment on my rulings is my order that in reprinting the opinion, the IBT not intersperse the full republication with commentary. This in no way means the IBT cannot, in another section, reprint small segments of the opinions and comment in any way they like, but that in one section the opinions continue to be provided in full.1

III. Conclusion

In response to Application VIII of the Independent Administrator, ¶12.(E) of the Consent Decree is hereby interpreted in accordance with the above rulings.

SO ORDERED.

DATE: February 27, 1990 New York, New York

/s/ mon back Che. U.S.D.J.

¹ In practice, this ruling specifically means that the IBT cannot disturb what has become this final section of the International Teamster, styled "Rulings of Judge Edelstein." The IBT is free to republish any portion in another section, such as the monthly letter from Mr. Grady to Mr. McCarthy, and then comment on it. In that section, the IBT may comment in any way they see fit. Should Mr. Grady want to reproduce a sentence and even point out a grammatical mistake, he may do so.

DRIVE Contributions Assure Continued Growth As Teamsters Remain the Nation's No. 1 PAC

he Teamsters Democratic, Republican, Independent, Voter Education (DRIVE) Department announces another successful year of expanded participation by the membership, who contributed record totals in 1989.

e

IS

le

S

ıt

5.

S

5.

n

e

n

e

9

Thanks to widespread support by Teamster members, DRIVE remains the number one political action committee (PAC) in the United States. "This is a very proud accomplishment for the Teamsters, and it displays a strong solidarity among the members," said General President William J. McCarthy. "But we need to see DRIVE continue to grow if we are to maintain a strong voice on Capitol Hill."

Teamsters are politically active not only in Washington, D.C., but also throughout the country. DRIVE has enabled the IBT to develop one of the most powerful political action programs in the entire United States. DRIVE participation, in fact, has been increasing steadily for a five-year period, and the trend is expected to continue.

In the halls of Congress, in the

White House, in state legislative chambers throughout the country, decisions are made every day which affect Teamster members, both on the job and in the home.

The opponents of organized labor spare no effort in their attempts to influence decisions made at all levels of government. They are constantly at work, supporting bills which threaten and which undermine basic labor protections.

IBT Director of the Department of Legislation Dave Sweeney points out that legislative issues concerning political action of union members are now being discussed on the Hill, and stresses that the Union is working to ensure that such legislation will be fair and equitable to the labor movement. "Senate Majority Leader George J. Mitchell (D-ME) will soon be bringing up on the floor, a PAC reform bill," Sweeney said. "One of our concerns is a proposal to increase the amount an individual may contribute to a politician campaigning for office." Sweeney said this would give the wealthy an unfair advantage over average income families in donating to a campaign.

"Teamsters are also concerned that Congress not cut the amount of PAC contributions which can be given to a candidate," Sweeney added.

"DRIVE seeks to promote the welfare and security of working and retired Teamster members," he added. "By championing positive legislation and by working closely with government agencies that carry out our laws, DRIVE seeks to protect the rights and to improve the quality of life for Teamsters and their families."

The continued success of DRIVE shows that Teamster members want to be politically active and that they understand the importance of political action. DRIVE is already gearing up for the fall 1990 elections.

Teamsters who would like to make inquiries about the political candidates in their area of the country, can write International DRIVE at IBT headquarters, 25 Louisiana Avenue, N.W., Washington, D.C., 20001.

Classification	Local Union #		Date	
voluntary contribution m local, state and federal of serve merely as suggest I further hereby aut	nd voluntarily, the sum indicated be ay be used by DRIVE for political p ffices. I understand my right to refus- ions. I am free to subscribe more, le norize and request my employer to ational DRIVE	ourposes, included te to contribute of the ses, or nothing, to deduct from n	ling contributions to suppor without reprisal and that the without benefit or disadvant ny earnings the sum indica	t candidates amounts beli tage. ted below ea
	accordance with the applicable sta			
I reserve the right in	notice of such revocation to Nation	nal DRIVE in ac	cordance with such laws or	
I reserve the right in any time by giving writte [A copy of the DRIVE rep		nal DRIVE in ac Commission an	scordance with such laws or \$3.00 d is available for purchase f	otherwise. Other
I reserve the right in any time by giving writte [A copy of the DRIVE rep	n notice of such revocation to Nation \$1.00 \$2.00 \$2.00 fort is filed with the Federal Election (ashington, D.C. 20463]. Donation no	nal DRIVE in ac Commission an	scordance with such laws or \$3.00 d is available for purchase f	otherwise. Other
I reserve the right in any time by giving writte [A copy of the DRIVE rep Election Commission, W	n notice of such revocation to Nation \$1.00 \$2.00 \$2.00 fort is filed with the Federal Election (ashington, D.C. 20463]. Donation no	nal DRIVE in ac Commission an	\$3.00 \$2.00 \$2.00 \$3.00 \$2.00	otherwise. Other

(cut along dotted line)

Labor Movement Sets April 28th

As "Workers Memorial Day"

n Saturday, April 28, 1990, the American labor movement will once again observe Workers Memorial Day to pay tribute to workers who have been killed, injured, or have become diseased on the job.

Last year, for the first time, Workers Memorial Day was commemorated across the country to help further labor's efforts to strengthen the nation's job safety laws. Observed on the anniversary of the establishment of the Occupational Safety and Health Administration (OSHA), the 1989 event was highly successful, with activities organized across the country at more than 100 sites. This year, organizers are hoping to build on that experience and are urging unions, states, and local AFL-CIO central labor bodies to organize activities and functions which highlight their particular concerns and issues.

AFL-CIO Executive Council Updated on Plans

At the AFL-CIO winter meeting in Bal Harbour, Florida, in February, Teamsters General President William J. McCarthy and other members of the Federation's Executive Council were updated on plans for Workers Memorial Day by AFL-CIO Safety Director Peg Seminario.

The thrust of this year's observance, Seminario reported, focuses on reform of the safety laws to give workers a "real, true role" and a voice in safety and health on the job. She stressed that workers need the "right to act" to correct job hazards.

Workers who take action on job hazards must be protected against retaliation and guaranteed the right to refuse dangerous work which threatens their lives, Seminario added.

The Workplace: America's Forgotten Environment

ach day, toxic substances, explosions, and unsafe conditions kill and injure more than 20,000 American workers.

Each year, on April 28, the unions of the AFL-CIO observe Workers Memorial Day to remember those who have suffered and died because of unsafe workplaces.

Mourning isn't enough however. It takes action to save workers' lives. Unions have fought for decades to improve conditions on the job. It was labor's efforts that won passage of the Occupational Safety and Health Act (OSHA) and the Mine Safety and Health Act (MSHA). In the face of attacks to weaken protections, the labor movement has continued to push for strong standards and enforcement.

Unions and community groups have made the "right-to-know" about toxins in the workplace more than a slogan; it's now the law. However, knowing about hazards is just the beginning. Workers need the "Right-to-Act" to ensure that employers eliminate hazards and clean up the workplace.

This year on Workers Memorial Day, unions are fighting to strengthen the OSHA law and to give workers a voice in safety and health on the job.

Labor's Demands For a Stronger OSHA Law

- Right to Act
- Training and Education
- Safety and Health Committees
- Right-to-Refuse Life-Threatening Work
- Stronger Standards and Enforcement
- Improved Construction Safety and Health
- Coverage for all Public and Private Sector Workers
- Better Reporting of Occupational Injuries and Illnesses

FIGHT FOR

MOURN FOR THE DEAD



OBSERVE WORKERS MEMORIAL DAY.
REMEMBER AMERICA'S WORKERS KILLED ON THE JOB.



TH

THE INTERNATIONAL
MAY 1990

TEANSTER

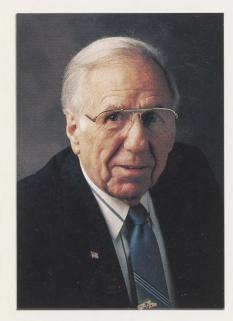


MEMORIAL DAY 1990

A Time to Remember

TOMB OF THE UNKNOWN SOLDIER
ARLINGTON NATIONAL CEMETERY

THE PRESIDENT'S MESSAGE



he key to the survival of the American labor movement is an aggressive program for organizing the unorganized worker. Organizing today is not easy, but to be honest, it has never been easy.

It is true that decades ago the obstacles to successful organizing seemed less imposing than they do in 1990. The laws governing organizing have changed. The National Labor Relations Board has changed. The national and local media are even less inclined to give unions a fair shake. Management consultants, that laughable euphemism for union-busters, are proliferating as more and more companies are willing to shell out obscene amounts of money to stay nonunion or become nonunion.

Still, I don't believe that unorganized working men and women

are going to remain docile and complacent forever. Changes will be demanded and changes will take place. American trade unions will not be in a position to offer the best solution to increasing worker discontent unless we prepare ourselves right now.

The two most important actions to which we must commit ourselves immediately are organizing the unorganized and becoming involved politically. The two activities are intrinsically connected—we can't succeed at either one if we aren't successful at the other.

No Teamster local union can afford to wait on the sidelines. The only way this International can prosper is for each of our 700 local unions to get in the game and compete to win. This means creating and altering organizing programs to meet specific needs and goals. It means establishing an active and vigorous political action program, including, but not limited to, DRIVE contributions. It means hard-charging communications programs to get the Teamster trade union message out to the public at large. And, it means tough and loyal leadership in all these areas at the International and on the General Executive Board.

We are the strongest and the largest trade union in the free world. We can still say this despite a decade of deregulation, deficits, and determined government attacks. What has brought us through

these latest crises is what brought us through earlier ones—Teamster pride, Teamster unity, and Teamster know-how.

There are few goals we cannot reach if we commit all our resources and all our will to do the job. The history of this Union clearly shows that we have been successful in every single endeavor in which we all worked together. We can't act as 700 separate local unions, no matter how large or well-funded an individual local might be. We must act as one great International Union if we are to overcome the obstacles that have been put in our way.

Ge Ex Bo Will Ge 255 Wa JO Fin 266 Ne JC See JC See JC See W Fit 259 W J J For See W Fit 259 W J J

We must remember that our sacred obligation is not only to represent our present membership. It is also to bring the security and benefits of free trade unionism to all working men and women.

This is the obligation that we all assumed when we first joined the Teamsters Union, and an obligation we owe to those who went before us. There is no greater way to honor their memories than to recommit ourselves to the cherished ideals of American labor.

Fraternally,

William J. M. Carthy

William J. McCarthy General President

DEDICATED

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



Executive

ght

ım-

and

not

re-

the

arly

sful ich

an't

ns.

ded

We

nal

the

in

Dur

to

errity

sm

٦.

WILLIAM J. McCARTHY General President 25 Louisiana Ave., N.W. Washington, D.C. 20001 WELDON L. MATHIS General Secretary-Treasurer 25 Louisiana Ave., N.W. Washington, D.C. 20001 JOSEPH TREROTOLA First Vice President 265 W. 14th St., Rm. 1201 New York, New York 10011 JOSEPH W. MORGAN Second Vice President 1250 E. Hallandale Beach Blvd. Hallandale, Florida 33009 EDWARD LAWSON Third Vice President 29260 Taylor Rd. Mt. Lehman, B.C., Canada VOX 1V0 ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash. 98109 WALTER SHEA Fifth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 JACK D. COX Sixth Vice President 450 Carson Plaza Drive Carson, California 90746 DON L. WEST Seventh Vice President 50 Bagby Drive Birmingham, Alabama 35209 MICHAEL J. RILEY Eighth Vice President 1616 West Ninth St., Suite 300 Los Angeles, Calif. 90015

T.R. COZZA Ninth Vice President 625 Stanwix St., Suite 1903 Pittsburgh, Pa. 15222 we ned DANIEL C. LIGUROTIS Tenth Vice President 300 South Ashland Avenue Chicago, Illinois 60607 obent FRANCIS W. HACKETT Eleventh Vice President 544 Main Street vay to Boston, Mass. 02129 R.V. DURHAM er-

Twelfth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 MITCHEL LEDET Thirteenth Vice President 2207 Royal Street New Orleans, Louisiana 70177 GEORGE J. VITALE Fourteenth Vice President 1625 Fort Street Wyandotte, Michigan 48192

GAIRALD F. KISER Fifteenth Vice President 2604 Cranbrook Drive Cincinnati, Ohio 45231

Trustees BEN LEAL San Francisco, Calif. 94107 ROBERT G. DERUSHA 650 Beacon St., Suite 501 Boston, Massachusetts 02215 HAROLD J. YATES 320 University Avenue, W. St. Paul, Minnesota 55103

May 1990

Volume 87, No. 5

- IBT Launches Overnite Campaign Organizers, reps, locals enlisted in effort
- Discussions Held with German Transport Union Germans seek IBT's insights on parcel, small package industry
- Canada Calls for Trucking Safety CCT endorses government study
- **IBT Division Wins NCR Workers** Communications Trade Division represents computer equipment personnel
- Labor Unites for Environmental Cleanup Government, management support unions' effort
- McCarthy Realigns Two IBT Trade Divisions Changes will streamline jurisdictions
- Teamsters Make the Magic Happen Members keep things moving in movie-making, trade show industries
- Remedy for Notch Problem a Possibility 21 Retirees nationwide need to act now
- Report XI to Teamster Members A message from the Independent Administrator
- Order of the Court 24 Ruling of District Judge Edelstein







16

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

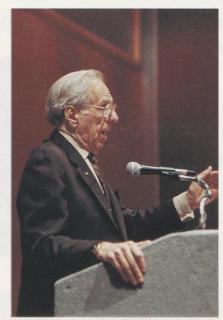
Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER-Send address changes to The International Team ster, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Teamsters Launch Campaign To Organize "Overnite"



Teamsters General President William J. McCarthy.

ver 200 general organizers, international representatives, and local union leaders gathered in Washington, D.C., April 3, for a preliminary meeting to discuss an international campaign to organize Overnite Trucking nationwide.

"The backbone of this Union and the number one priority," said General President William J. McCarthy, "is transportation and the truck driver. Right now we are losing because of such impediments as double breasting. Organizing is the name of the game and that's what we are jointly going to do. This will be no picnic, and this time we mean business."

Addressing all the organizers and representatives, General President McCarthy stated that the campaign would be methodical, would include every area of the country and would be based on the internal organizing assignments of all international representatives.

General President McCarthy has named IBT International Representative Sam Stintsman as national coordinator of the Overnite organizing campaign. Stintsman, an International representative for the Ohio Conference and a Central Conference organizer, has been involved in freight since 1970 and was a business agent with Local 413 in Columbus, Ohio.

"The task of organizing Overnite Trucking is a tremendous challenge," Stintsman said. "It will take a concerted effort by all our general organizers, international reps, and local leaders to carry out a successful campaign. We will need full support and cooperation if we are to be victorious."

In his remarks to the delegates, IBT National Freight Director Jack Yager stated: "The timing is good.



OW

un Tea per

err

an

Th

ing

tri

ing

Ov

re

m

CO

m

ar

se

yo

ni

at

IB

Ja

or

pr

la

IBT International Representative Sam Stintsman (front row, far right) has been named by General President McCarthy as national coordinator of the Overnite campaign.

we're going after Overnite, and we're no longer standing alone." He explained that since the last organizing campaign, Overnite had been bought by Union Pacific Railroad which has collective bargaining agreements with as many as nine international unions. "We can be successful if this is an all-out effort," Yager said, "but everyone must be willing to help. Talk to the drivers and get as many as possible to volunteer."

IBT Director of Organizing Vicki Saporta discussed the battle ahead and laid out the three phases of a program to build a solid foundation for organizing Overnite. The first period of the campaign is to



IBT International Organizing Director Vicki Saporta.



IBT Associate General Counsel Jim McCall.



IBT International Freight Director Jack Yager.

lay the groundwork, educate our own membership, and build a volunteer organizing committee of Teamster members. The second period would be dedicated to Overnite employees, educating them and building support among them. The final stage would involve signing up Overnite employees, distributing literature, and organizing hard in every region where Overnite operates.

All organizers and international representatives were given assignments and a packet of volunteer committee sign-up forms as well as information on educating our membership. "You know your own areas best," Saporta told the assembled group, "and we would like you to designate in your area someone to be in charge of this organizing effort who knows the situation. We need your input."

nd

il-

in-

as

ut

to

as

Also addressing the group was IBT Associate General Counsel James McCall who told the various organizing delegates to call him at his office for advice if they had any problems. He said that all unfair labor practice charges against Overnite would be filed by the IBT Legal Department. This would ensure that all legal developments affecting the campaign would be coordinated.

Norman Weintraub, IBT Economics director, set forth the parameters of organizing the fourth largest trucking firm. He established the history and background



Over 200 general organizers, international representatives, and local union leaders met April 3 in Washington, D.C., to discuss a campaign to organize Overnite Trucking.

of the company, pointing out that the average Overnite employee, in comparison to the typical overthe-road union employee, makes nearly \$10,000 less per annum and that the health, welfare and pension programs are "way below average."

Furthermore, Weintraub said, Overnite reserves the right to change, or do, anything it wants with the programs, with only a 30-day notice. He pointed out that Overnite is a subsidiary of Union Pacific, which presently has 75 percent of its employees represented by unions.

During the session various questions from the floor were answered, including those from representatives from Joint Councils and local unions. Those who have been trying to organize Overnite warned of the tremendous funding that Overnite will put forth to stop any organizing effort. It was noted that a national campaign was needed, and it was decided that an all-out campaign would be the only successful way to counteract Overnite's concerted defenses.

General President McCarthy concluded the session by telling the attendees that he needed their input. "I want your constructive criticism throughout this campaign, especially if it helps us get the job done. To organize these Overnite employees and bring them up to the standard that we in the Teamsters enjoy is a challenge we are prepared to meet."



IBT Chief Economist Norman Weintraub.



Questions were taken from the floor during the session.

IBT Offers Cooperation to Transport Union In Federal Republic of Germany



(From left: Al Barlow, Holger Klee, Wolfgang Baars, Uwe Bogedale, Dieter Plewe, Gerhard Hütter, and Jim Grady.

n the Federal Republic of Germany, UPS employees and other transportation workers would, if organized, be members of the Offentliche Dienste, Transport, und Verkehr Gewerkschaft (ÖTV) (Public Services and Transport Workers' Union). The leadership of the OTV recently asked Teamsters General President McCarthy for his advice and counsel about representing workers in the industry. In response to this request, Mc-Carthy designated Teamsters Parcel and Small Package Trade Division Director Al Barlow and IBT General Counsel James T. Grady to meet with leaders of the German trade union and to exchange information and ideas.

Communism has collapsed in Eastern Europe, and multinational corporations, as well as local and regional companies, are poised to push and expand operations to the Ural Mountains, separating Europe from Asia.

Among the corporations prepared to expand eastward is United Parcel Service, which has recently relocated the headquarters of its German operations into its new "megafacility" in Frankfurt, the financial hub of the Federal Republic of Germany (West Germany).

There are currently more than 700 employees at the facility, and UPS/Germany could employ thousands of additional drivers and other workers as operations expand into East Germany, if that nation federates with the Federal Republic. Moreover, Poland, Czechoslovakia, Hungary, Yugoslavia, Romania, Bulgaria, and the Soviet Union are expected to be service areas in the expanding territory of UPS. Most likely thousands of workers from

those formerly "Iron Curtain" nations will become employees of UPŞ in the near future.

Barlow and Grady were in Frankfurt from March 19–21 to meet with officials of the 1.2 million member ÖTV. They toured the UPS facility and discussed differences and similarities of the operations. According to Barlow, "the similarities far outweigh the differences. In many respects, they are a 'mirror image' of operations in the United States."

'Work Councils' Play Vital Role

However, labor relations in the Federal Republic are significantly different from those in the United States and Canada. "Under West German law," said Grady, "employers are required to meet with 'Work Councils,' which are elected by the workers. When there are five or more workers, it is required by law to have a Work Council. These Councils have no equivalent in the U.S., but afford workers a measure of representation.

"These Councils handle day-today problems on behalf of workers and help keep conditions for work-



DRIVE hats are a hit, even in the Federal Republic of Germany. (From left): Uwe Bogedale, a consultant and researcher for the ÖTV from the University of Kassel; Holger Klee, from ÖTV's regional office in Niedersachsen; Wolfgang Baars, ÕTV; Al Barlow; Gerhard Hütter, ÖTV; Jim Grady; and Dieter Plewe, a union consultant from Brussels. Belaium.

ers up to par. Full-fledged unions, on the other hand, are the only entities available to the workers for actual tariff (wage) negotiations.

il-

he

est

ed

nt

"Such negotiations are obligatory when a union obtains 'majority status.' Excluded from tariff negotiations are health and welfare and pension discussions, because they are covered comprehensively under West Germany's generous federal law. Currently, the hottest issue for these workers is the 35-hour workweek."

In the Federal Republic, cooperation between unions and management is encouraged by the federal and state (Länder) governments, but the ÖTV has the resources to represent parcel and small package drivers, and asked the General President to share the Teamster Union's considerable experience and expertise.

During the three-day visit, Barlow and Grady were able to discuss virtually every aspect of representing UPS members in the U.S., and much of the IBT's expertise could be readily transplanted to the ÖTV, with only minimal adaptation.

Because of the visit by the Teamster officials, and the high-level talks and on-site observations, both the IBT and the ÖTV gained a better understanding of each other's systems and policies. The two unions have pledged closer cooperation in representing workers in the industry. Both unions also gained invaluable information and insight in dealing with multinational employers.

General President McCarthy has forecast that additional international endeavors, both in Europe and Asia, would be of enormous value to the IBT in representing transportation workers during the remainder of the decade and on into the 21st Century.

Unanimous Vote for Local 287



Teamsters Local 287 in San Jose, California, was successful in organizing drivers and production employees from Hill Brothers Chemical Company. Many of these drivers haul hazardous materials for Hill Brothers. This organizing win was a milestone for the Teamsters, and is crucial in gaining more companies in the tanker industry. Pictured are some of the Hill Brothers Chemical Company drivers and Local 287 officers (from left to right): Ralston Byrge; Tom Enderwitz; Gerry Durham, business agent; Mario Gullo, secretary-treasurer; Joe Byrge; and Bruce Wolf.

Local 776 Wins \$90,000 Grievance

eamster Local 776, Harrisburg, Pennsylvania, recently won an arbitration decision that will result in an award of over \$90,000 for members formerly employed at Perk Foods, Camp Hill, PA.

Perk Foods, a subsidiary of H.J. Heinz Co., negotiated a severance agreement prior to closing its production facility at Camp Hill. As part of the agreement, employees were to be paid earned vacation for 1989, providing they worked the minimum number of qualifying hours as provided for in the contract.

When severance was finally paid, the company calculated the vacation payment on a different basis than what was called for in the contract. As a result, employees received pro-rated vacation payments, which represented only about half of what was actually due.

After several months' efforts, the case went to arbitration, with the arbitrator ruling against Perk. Thanks to the persistence of Organizer Chuck Shughart, the severance agreement negotiated by Local 776 Business Agent John Fogel was upheld, and the former Perk employees were awarded over \$90,000 in vacation pay.

Canadian Scientific Study Echoes Teamster Concerns for Truck Safety

ore than half of all goods transported in Canada move by truck, with over 70,000 tractor-trailer rigs in operation across the country. With the increasing number of commercial vehicles on public highways, the issue of their safety and performance deserves closer attention.

Monitoring the increasingly hazardous situation is Charles Thibault, Canadian Teamster freight dirctor and assistant to the Conference Director. "Ever since the Canadian trucking industry was deregulated in 1988, the safe operation of commercial vehicles has deteriorated dramatically," he says. "Truckers now have free license to do their own maintenance and repair work, custom-build or alter their rigs, and drive as many hours as they see fit."

Recognizing the risks to the public and their members, the Canadian Conference of Teamsters lobbied hard for a Canada Safety Code to prohibit these dangerous practices. "The implementation of this Code, however, is being held up by the western Canadian provinces which have not yet approved it. In the meanwhile, the situation continues to worsen," observes Thibault. His concerns are shared by John Woodrooffe, a National Research Council engineer and head of the only national scientific team in Canada to examine the manufacture and performance of commercial vehicles.

Manufacturers Must Assume Responsibility for Safety

Recognized as the country's leading expert on tractor-trailer rig design, John Woodrooffe says his team's objective is "to increase the safety of these vehicles through enhanced engineering and to establish minimum roll-over standards for trucks in Canada." Wood-



Charles Thibault, Canadian Freight director (at right) and Teamster member David Chesney, an employee of Kingsway Transports, Ltd.

rooffe thinks that Canadian trailer manufacturers do not pay sufficient attention to stability, and cites a recent tragedy as example.

A young trucker, traveling under the speed limit, met a fiery end in Ottawa when his gasoline-loaded double-tanker rolled over onto a parked bus. An investigation attributed the accident to engineering and mechanical defects: the truck was not designed to negotiate a curved intersection with the given load at the posted speed, and one of the rig's 30 tires was underinflated. Had regulated manufacturing standards for commercial vehicles been in effect, this accident might not have taken place.

According to statistics provided by the Traffic Injury Research Foundation and Canadian provincial transport officials, tractortrailers were involved in over 7,000 accidents on Ontario highways in 1987. Eleven Teamster drivers lost their lives in these accidents, as did more than a hundred others, and an additional 2,000 suffered injuries.

Investigation revealed that mechanical defects involving brakes, suspension, trailer hitches, wheels, and tires accounted for almost 10 percent of these accidents. It was also determined that four times as many rigs as passenger cars had such defects. These statistics indicate an alarming difference between the manufacture of family sedans and that of commercial vehicles. The manufacturing process of passenger cars is controlled from start to finish by a team of engineers who design the various components that make the com-

"It is essential that the Canada Safety Code, in its original and undiluted form, be put in force across the country. Until that happens . . . the toll in human suffering will be incalculable."

—Charles Thibault
Canadian Freight Director

pleted product. The rigs, however, are often assembled piecemeal by their purchasers, who may use substandard parts from varied manufacturers.

The efforts of Woodrooffe and his team to address the need for regulated manufacturing standards for commercial vehicles are proving fruitful. By focusing attention on this problem, they were the driving force behind the recent "performance-stability regulations governing truck component parts" in Canada. In addition, they are establishing the "Centre for Road Vehicle Dynamics," where rig manufacturers, road designers, provincial regulatory bodies, truck outfits, and drivers may benefit from their research and recommendations.

Thibault Advocates Adherence To Canada's Safety Code

Charles Thibault agrees with Woodrooffe's findings and views his research as an invaluable way of drawing public attention to a very serious problem. "This is, however, just one front in the battle to make the highways safe for our truckers and the public," he says.

"The fact is that negligence by the big-rig drivers accounts for most accidents—and 75 percent of these are due to either inexperience or fatigue. This is allowed to happen because there are still no enforced standards in effect for proper training, hours of service, licensing, or vehicle inspection and maintenance. It is essential that the Canada Safety Code, in its original and undiluted form, be put in force across the country. Until that happens, the carnage on our highways will continue to escalate and the toll in human suffering will be incalculable."

Safe Driver Awards



Local 541, Kansas City, Missouri, Teamsters Dwain Darrow (left) and Charles R. Harris (right) were honored recently at a dinner, for logging three million miles without an accident. Both are drivers for Airco Industrial Gases in Lawrence, Kansas. In addition to a monetary award from the company, Darrow and Harris received membership in the National Safety Council's "Three Million Mile Club." Pictured with them is Pat Clarkson (center), Airco's distribution superintendent in Lawrence.

30 Years of Safe Driving



Teamster Henry Woods (center), a 32-year member of Local 414, Fort Wayne, Indiana, was recently presented with a plaque honoring his 30 years of "professional pride in driving" from Don R. Fruchey Inc., a locally based heavy hauler and rigging contractor. Pictured with Woods are Dave Fruchey (left), company secretary-treasurer, and Bob Fruchey (right), company president, who jointly made the presentation.

Communications Division Affirms Organizing Win As NCR Unit Ratifies First Contract

rganizing new members is tough, but getting management to bargain faithfully and agree to a first contract often proves to be the difficult part of establishing meaningful representation rights for new union members.

That is why leaders of the Teamsters' Communications Trades Division and Local 111 in New York City are expressing pride in the results of their six months of negotiations for a unit of field engineers working for National Cash Register (NCR) in Long Island. These workers maintain and repair computer terminal equipment for NCR.

The 47 new Teamsters ratified a two-year agreement recently that calls for an average wage increase of four percent in each year of the contract.

Overcoming the Odds with A Successful Completion

"We were up against some long odds and a tough opponent in bringing this effort to a successful completion," said Division President Dan Kane, who also serves as president of Local 111. "I'm just proud of the unity and courage shown by these new Teamsters throughout the whole process."

An important victory for the Communications Trade Division, the organizing win means that the Union now represents all of NCR's field engineers in the New York metropolitan area. It was not easy. NCR, a multimillion dollar company, targeted for elimination all of the unions that represent its employees.

Teamsters Local 111 Rallies Decertification Drive

Just over a year ago, the company unsuccessfully attempted to encourage 250 field engineers at another New York location to decertify Local 111 as their collective

bargaining representative. The company had been on a winning streak, successfully decertifying several other unions across the country, and was willing to sacrifice a 13—year record of progressive labor relations with the Teamsters in its attempt to get rid of all its employees' unions.

Warned in advance that Local 111 was next on the list, Kane rallied his Division into an offen-

sive posture to fight the company's coming decertification drive. Taking this offensive worked: the company could not find one member among the 250 Teamsters to file its decertification petition.

Teamsters' Goal: Turn Adversity into Opportunity

"Our goal was to turn adversity into opportunity," Kane explained,

b

Pacific Telecom Workers Ratify New Pact



ocal 111 of the Communications Trade Division (CTD) just signed its first contract with TRT/FTC, a subsidiary of Pacific Telecom Inc. (PTI). The contract covers approximately 200 people, mainly employed in New York and Florida, but with small groups throughout the country. The contract contains some of the best wages, conditions, and benefits anywhere in the communications industry. A testament to that fact is the 91 percent membership ratification vote in support of the agreement.

Pictured above (from left to right, standing): N. Kotsolios, vice president, TRT/FTC; E. Rayfield, trustee, Local 111 ACA-IBT; J. Foy, secretary-treasurer Local 111 ACA-IBT; W. Carson, manager, Labor Relations, PTI; T. Murphy, vice president, TRT/FTC; C. Kegley, Jr., vice president, PTI; and H. Martori, assistant business agent. (Seated, from left): D.J. Kane, president, both of CTD and Local 111, ACA-IBT; C. Robinson, president & chief executive officer, PTI; B. Sternberg, president, TRT/FTC.

"so when we beat NCR's decertification drive, we decided to capitalize on our new strength by organizing their Suffolk, Long Island, unit."

n

ny's

Γak-

om-

nber

file

Even though NCR fought Local 111's organizing drive unfairly—by holding captive-audience meetings with the workers and by making illegal promises and threats—worker unity and Teamster perseverance won the campaign.

"We had an important edge going into negotiations, because we had a strong, active group coming off a big victory," Kane concluded.

Ratification of Contract Agreement

Local 111's bargaining committee, which successfully negotiated a fair, progressive first contract for the field engineers, consisted of Vice President Anthony J. Basileo, and Shop Stewards Artie Poslusny and Gene Rocco.



Teamsters Communications Trade Division Director Dan Kane (foreground, left), congratulates members after the ratification of their first contract agreement with NCR Corporation.

Attention All Members NOTIFY YOUR LOCAL UNION

If the mailing address on your mailing label is incorrect . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

NO. ABOVE NAME		
NAME		
STREET		
CITY	STATE	ZIP CODE

MAY 1990

Labor/Management/Government Cooperate To Clean Up the Nation's Environment



(From left): Laborers' General President Angelo Fosco; John A. Weberski, executive assistant to Operating Engineers General President Frank Hanley; IBT Division Director Tom Kellerhuis; Laborers' General Secretary-Treasurer Arthur A. Coia; and Carl Booker, director of Jurisdiction, Laborers' International.

BT Building Material and Construction Trade Division Director Tom Kellerhuis joined on April 4th with leaders of two other international unions and representatives both from government and industry at a mass meeting to call for national unity in cleaning up hazardous waste. Teamsters General President William J. McCarthy assigned hazardous and toxic waste workers to this Division in May, 1989. The meeting, sponsored by the "Laborers'-Employers Cooperation and Education Trust," was seen as the beginning of an alliance to spearhead a national crusade against the devastation of the environment by hazardous waste.

Kellerhuis announced at the meeting that a jurisdictional agreement between the International Brotherhood of Teamsters, the Laborers' International Union of North America, and the International Union of Operating Engineers, termed the 'LOT' Agreement, "was in the final stages of development and was awaiting the signatures of the General Presidents of three unions." According to Kellerhuis, the "'LOT' Agreement represents the firm commitment and the un-

challenged capability of the three unions and the industry for the Herculean task of cleaning up the nation's hazardous waste."

Also addressing the meeting were General Secretary-Treasurer Arthur A. Coia and General President Angelo Fosco of the Laborers' International Union. Coia said that the buildup of hazardous waste was a "crisis more insidious than war, and ultimately—if unchecked—more destructive We must remove this waste or risk permanent impairment of our greatest benefactor—the natural world

which sustains us." He urged organized labor to "speed up [hazardous waste removal] training with wartime urgency and mobilize manpower to a level we have not seen since the days of Pearl Harbor."

Deputy Administrator F. Henry Habicht II, of the U.S. Environmental Protection Agency (EPA), was on hand to present the views of his agency and to commend the Teamsters, Laborers', and Operating Engineers for their "commitment, expertise, and invaluable cooperation in preparing for the effort to clean up the nation's environment." Invoking the name of probably the nation's first wellknown environmentalist—President Theodore Roosevelt—Habicht said that it is also this generation's "duty to protect the environment and natural resources."

He also discussed how funds authorized under the Superfund Amendments and Reauthorization Act (SARA) would be available to help pay for the work by contractors and their employees to perform the actual cleanup operations as well as to help offset the costs of training workers.

Habicht told the gathering that



More than 400 representatives from organized labor, management, and government attended the meeting.



IBT Building Material and Construction Trade Division Director Tom Kellerhuis (right) with EPA Deputy Administrator F. Henry Habicht II.

ole

he

n's

ne

11-

si-

1's

nd

at

the EPA was considering the funding of many more studies into hazardous waste removal and cleanup. "These studies," he said, "would be conducted more expeditiously than in the past, and would also examine safety in related construction activity."

Among the various studies already underway are: containment of sites; use of ground water for pumping wastes out of sites and returning purified water back into sites; and the use of microbes, even at great depths.

According to Habicht, the health and safety of workers is the responsibility of contractors. "The Occupational Safety and Health Administration (OSHA), however, has oversight over the employers— not the EPA," he said.

During his remarks to the Teamsters and the other unions involved in the 'LOT' agreement and the imminent cleanup operations, Habicht was reminded that an experienced, well-trained, unionized work force would naturally and necessarily be the only work force capable of performing the task, if the task is to be done safely and properly the first time.

Local 70 Puts Pressure On Holly Farms



Local 70, Oakland, California, members are demonstrating their support of Teamsters Local 391, Kernersville, North Carolina, by continuing a consumer boycott of Holly Farms chicken and poultry products at Eastbay retail stores. This is Local 70's third month of assisting members of Local 391 who were terminated by the company after voting overwhelmingly to be represented by the Teamsters. The Holly Farms dispute is one of national importance. "The message we want to deliver to Holly-Tyson is clear," said Chuck Mack, Local 70 secretary-treasurer. "An injury to one is an injury to all. If they have a dispute in North Carolina with Teamsters, then they have a dispute in California with Teamsters." The AFL-CIO has placed the chicken products on its national "Don't Buy" list and has endorsed the Teamsters' boycott.

Oakland Member in CSU Hall of Fame



Local 70, Oakland, California, member Jay Kleven was recently inducted into the California State University, Hayward, Athletic Hall of Fame. A member of the All-Far Western Conference baseball team in 1970 and 1971, Kleven signed with the New York Mets in '72, becoming the first CSUH graduate to play professional baseball. The Cal State Hall of Fame was created in 1985 to honor individuals who have made outstanding contributions to the Cal State, Hayward, athletic program.

CCT Key Member of "Labour Coalition" As Teamsters Oppose Bill C-21



(From left): Jim McCambly of the Canadian Federaton of Labor; Shirley Carr, Canadian Labour Congress; Louis Laberge, Quebec Federation of Labour; Gerald Larose, Confederation of National Trade Unions; Canadian Conference of Teamsters Director Louis Lacroix; Lorraine Page, Quebec Teaching Congress; Kathleen Connors, National Federation of Nurses' Unions; and Kitty O'Callaghan, Canadian Teachers Federation.

The Canadian Conference of Teamsters and a number of other central labor organizations, among the largest in Canada, have united in strong opposition to the Conservative Government's proposed legislation to amend the Unemployment Insurance (UI) Program.

Known as Bill C-21, this legislation undermines the basic values and principles of the unemployment insurance system, which serves as an economic and social safety net for Canadian workers by ensuring them against the loss of earnings.

Proposed Amendments to Unemployment Insurance

This system of safeguards will be seriously jeopardized by the Bill. Highlighted among the proposed changes to the UI Program: workers must work longer to qualify; their benefit payments will be for a shorter duration; and the 50 year practice of shared financing of the program by government, employers, and workers will be eliminated. Not only does the government intend to let employers and workers shoulder the entire finan-

cial burden of the UI Program, but it is also planning to fund training programs with money taken from premium payments—straight from the pockets of unemployed workers.

Reaction of "Labour Coalition" To Proposed Legislation

Commenting in their Joint Statement of the Bill, the "Labour Coalition" warns:

"Bill C-21 will negatively affect a million unemployed workers. Tens of thousands who would have previously qualified will not even qualify for benefits because of the higher entrance requirement. Additionally, hundreds of thousands will exhaust their benefits months before they find a job because of reduced duration.

"The proposal to significantly reduce benefit levels and restrict the opportunity to qualify for UI will hit hardest the lower-income groups, people with short-term or part-time employment . . . where employment opportunities are periodically weak for cyclical, sectoral, seasonal, or regional reasons.

"We find it totally unacceptable

that labor adjustment programs should be financed by cuts in benefits . . . to unemployed workers who have paid premiums for insurance against the interruption of earnings."

Labor's Concerns Must Be Heeded

Fully recognizing the threat to working people all across Canada, the "Labour Coalition" repeatedly requested the Conservative caucus and Employment Minister Barbara McDougall to meet with them to discuss the Bill. Their requests were flatly denied.

Determined to press their case, the Coalition met with both opposition Liberal and New Democratic Party parliamentary caucuses, comprised of Senators and Members of Parliament, on March 12, 1990, in Ottawa, the nation's capital. Representing the Coalition were Director Lacroix of the Canadian Conference of Teamsters. Shirley Carr of the Canadian Labour Congress, Louis Laberge of the Quebec Federation of Labour, and Jim McCambly of the Canadian Federation of Labour. Heads of other member organizations, including the Confederation of National Trade Unions, the Canadian Teachers Federation, the Quebec Teaching Congress, and the National Federation of Nurses' Unions, were also in Ottawa meeting with

"This... is a direct attack on the least fortunate, the most vulnerable among us. Such total disregard for the plight of the common man... has absolutely no place in a just and caring society."

> —Louis Lacroix Canadian Conference Director

the caucuses, on behalf of the Coalition.

ms

eners

in-

ion

to

da,

dly

cus

ara

to

sts

se,

op-

10-

au-

ind

ch

n's

on

Ca-

rs,

_a-

of

ur,

of

in-

Va-

an

pec

Na-

ns,

ith

on

ost

0-

of

ıb-

nd

ce

At the meetings, both the Labour Coalition and the legislators aired their deep misgivings about Bill C-21 and expressed their dismay at the Conservative Government's tampering with a solid program, which has been a vital component of the Canadian social fabric for decades.

Coalition Lobbies Senate To Halt the Bill

The Coalition recognized that the proposed Senate amendments would improve the Bill, but they don't go nearly far enough.

In response to their appeal that the Senate use its constitutional powers to stop the Bill, both the Chairman of the Senate Committee and the Senate Opposition Leader stressed the importance of the Labour Coalition's support, if they are to halt the Bill. The Coalition reacted by reaffirming its unanimous support on behalf of the Canadian Labour Movement.

Conference Director Louis Lacroix voiced the sentiments of his fellow Coalition members: "During the last federal election, Prime Minister Mulroney gave his solemn commitment that free trade would not have any adverse effect on our Canadian social programs. And yet, just a year later, he is privatizing a fundamental program underlying the economic and social security of all Canadian workers."

Lacroix reiterated, "This blatant violation of that solemn commitment is a direct attack on the least fortunate, the most vulnerable among us. Such total disregard for the plight of the common man is unacceptable—it has absolutely no place in a just and caring society. Bill C-21 must go!"

Triumph for Workers:

New OSHA Standard Protects Workers from Machinery Hazards

he Occupational Safety and Health Administration's (OSHA) new "lockout/tagout" standard has been in effect since January 2, 1990. In that time, some Teamsters whose job it is to repair and service industrial machinery are probably noticing new safety procedures being put into place because of it.

Employers Being Cited for Violations

Some employers who have not gotten the word are being cited by OSHA for violating the new standard. A sampling of OSHA citations monitored by the Teamsters Safety and Health Department indicates that this is one of the more commonly cited violations in Teamster-represented industrial workplaces.

"This is an important new protection for our members who work with machinery in a lot of different industries," observed Teamster Vice President and Safety and Health Director R. V. Durham.

The main point of the new standard is to protect workers who do service or maintenance work on machinery or equipment, where unexpected start-up, energizing, or release of stored energy could cause injury.

The key to this protection is to lock out the main electrical switch or other main energy source wherever possible. In some cases, OSHA will allow employers to use tags instead of locks—mainly on equipment that is not yet designed to accept a lock.

"Energy Control Procedure" Required

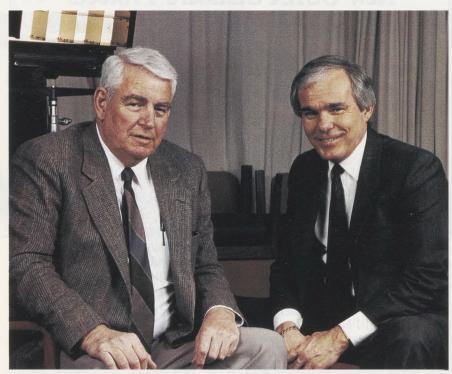
Wherever there is industrial machinery that poses this kind of safety hazard, the employer is required to have an "energy control procedure," with specific steps for:

- Shutting down, isolating, blocking and securing machines or equipment to control dangerous energy;
- Placing and removing locks and tags—and designating who is responsible for them;
- Testing the machinery to make sure it is really locked out.

Worker Training Must Be Provided

Employers must provide special safety training for all affected employees. The purpose of this training is to make sure that workers understand the purpose and function of the company's "energy control program," and that they have the knowledge and skills they need to safely apply, use, and remove locks and tags.

McCarthy Announces Streamlining of Trade Show, Convention, Movie-Making Divisions



(From left): Thomas O'Donnell, director of the IBT Motion Picture and Theatrical Trade Division, and Bill Hogan, Jr., director of the IBT Trade Show and Convention Center Trade Division.

n a move that will streamline the IBT's trade show, convention, and movie-making trade jurisdictions, General President William J. McCarthy has announced a realignment of two Teamster trade divisions and the appointment of a new division director.

O'Donnell to Head Up Motion Picture Division

Heading up the newly formed Motion Picture and Theatrical Trade Division will be longtime Teamster leader Thomas O'Donnell of Local 817, Lake Success, New York. A Teamster member for 40 years, O'Donnell began his career driving a truck for the National Broadcasting Company (NBC) in New York. He was first elected president of Local 817 in 1961, and has held the position ever since.

"Tom O'Donnell brings years of experience and a wealth of exper-

tise to this position," said General President McCarthy in announcing the appointment. "I have worked with him on many occasions over the years. We sometimes disagreed, we sometimes butted heads, but we were always able to work together to get the job done. Tom has earned not only my respect, but widespread respect in the motion picture and theatre industries. I look forward to the contributions he will make to the International."

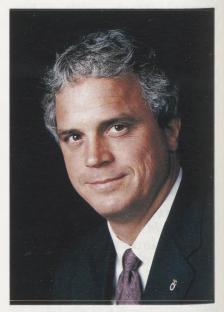
Hogan Will Oversee Trade Shows, Convention Centers

In conjunction with the formation of this new trade division, McCarthy also announced the reorganization of the International's previously separate trade show and convention center divisions into one combined trade division. William T. Hogan, Jr., president of Local 714, Berwyn, Illinois, will serve as director of the IBT Trade

Show and Convention Center Trade Division. Since 1985, Hogan has been director of the Trade Show and Movie-Making Trade Division, a division that was first established in 1968.

Hogan, who serves on the Executive Committee of the Chicago Convention and Tourism Bureau, was also recently appointed to head up trade show and movie-making jurisdictions at the Central Conference of Teamsters. He has been president of Local 714 since 1969.

"Bill has his pulse on the trade show and convention industries and has done an outstanding job looking out for the interests of Teamsters who work in this field," McCarthy stated. "With the continued growth and expansion of the trade show and convention industries, as well as in the moviemaking and theatre industries, strong representation for Teamster members is more important than ever. The logical and necessary changes we have made in these divisions will allow both directors to concentrate their efforts more



Larry Parker, president, Local 385, Orlando, Florida, will serve as coordinator of the 1991 Convention Committee.

fully on the needs of Teamsters who work in these distinct though related areas."

Parker Named to Chair 1991 Convention Committee

n,

ed

ad

ng

en

de

es

ob

of

n

McCarthy also announced the appointment of Larry Parker, president of Local 385, Orlando, Florida, to serve as coordinator of the 1991 Convention Committee. Parker, who had been serving as director of the Convention and Exposition Centers Trade Division, will assume responsibility and have full oversight for all convention planning and preparation.

"The extensive work for our '91 Convention, to be held the week of June 23, at Walt Disney World in Orlando, is already well underway," McCarthy noted. "Being responsible for the arrangements for a convention the size of ours is time-consuming and challenging, but I am confident that Larry is well up to the task."

According to Parker, the first order of business in preparing for the 1991 Convention—the setting aside of hotel space for the five Area Conferences—has been accomplished. What he intends now to concentrate on is gearing up the entire Orlando Metropolitan area for an influx of an expected 12,000 delegates and family members.

"With virtually every IBT department, division, trade and area conference, and charitable cause with which we are involved expected to participate in Convention week activities, all delegates and guests will get a nuts-and-bolts familiarity with the IBT and its increasingly diverse operations," Parker said. "I can guarantee that this will be a Convention to be remembered well into the future."

These appointments became effective April 1, 1990.

Philadelphia's J.C. 53 Graduates Organizing Class



Members of the J.C. 53 Organizing School Class of 1990, with J.C. 53 President John P. Morris (back row, third from right).

ore than 50 Teamsters from various local unions in the area attended the annual 10-week organizing school run by Joint Council 53, Philadelphia, Pennsylvania. The sessions not only covered the basics of organizing, but also focused on several new topics, including substitute picketing and the use of computers in a campaign.

"This is one of the best classes we've had so far," said Joint Council 53 President John P. Morris. "From the very first class session, the enthusiasm and dedication of this group impressed me.

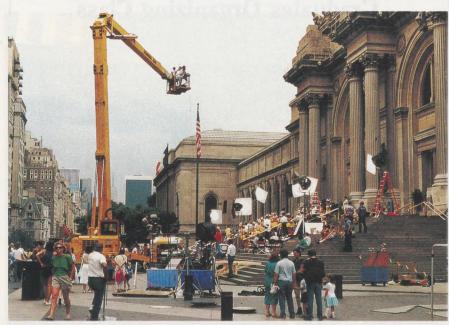
Organizing School Stresses Computer Technology, Substitute Picketing

"In our Organizing School," Morris explained, "we try to produce well-rounded organizers—a goal that I believe we've accomplished every year. This year, for instance, we were able to stress the importance of using new computer technology in organizing—not only for better control over the mounds of information involved in a campaign, but also for the increased efficiency that word processing, laser printers, and lap-top computers can bring to the mundane but necessary tasks of letter-writing and leaflet preparation."

Such information, coupled with the focus on substitute picketing by non-striking volunteers, was well-received by the students, Morris said.

"I expect an increase in our organizing activities and a lot of new members from this energetic and hardworking group," he added.

Teamsters at the Movies .



Teamsters operate vehicles for such equipment as the huge crane used in location shoot at the American Museum of Natural History in New York for the "Fame" TV series.

t might be the big-name film and television stars in front of the cameras who are the box office draw, but it's the Teamsters behind the scenes who help get the job done when it comes to making movies and television shows.

with temperamental personalities and anxious directors in the pres-

Their jobs are low-profile, high energy. They put in long hours, pilot vehicles that are cumbersome and difficult to maneuver, and deal

filmtrucks

Teamsters were on the scene for the 1986 "I Love New York" commercials. The view of the skyline is from under the Manhattan

sure-cooker world of motion pictures, television, and the theatre.

Keeping Things Moving In the Movie Industry

Who are these unheralded professionals who keep things moving in the movie industry?

Teamsters in locals around the country work in the motion picture and television industry. Though three key cities can lay claim to most movie-making activity in the U.S.—Hollywood, New York, and Chicago-on-location work across the country draws on Teamster locals nationwide to "keep the cameras rolling."

In motion picture, television, and commercial productions, they are transportation captains, specialized chauffeurs, and helpers. For concerts and the legitimate theatre, they are equipment drivers and loaders.

The integral part these Teamsters play spans the industry from start to finish. They are the drivers who deliver the stars to the film

sets, and the drivers who deliver the films to the movie theatres. Their tasks are as specialized as delivering or driving a float in the New York City Macy's Thanksgiving Day parade, or providing a plane for aerial location scouting.

Teamsters Ready For Any Challenge

"Whatever the request, the Teamsters in this industry are ready for the challenge," says Tom O'Donnell, recently appointed as director of the IBT's new Motion Picture and Theatrical Trade Division (see separate story, this issue). "My role," he explains, "will be coordinating move-making activity in any Teamster local in the country.

"We want to see more films made, and more Teamsters helping to get them made. Our goal is to make it as efficient and problemfree as possible for the director to work in a town. Usually, he or she finds that when it's a Teamster town, that's the case."

The average film shoot will use 18 to 24 drivers, including those who handle essential on-set vehicles housing such industry necessities as wardrobe, cameras, makeup and hair facilities, props, a star's trailer, the production van, and honeywagon.

Some rental fees run into thousands of dollars a week for special vehicles, and a location film might typically allocate as much as six percent of its budget for transportation costs.

"When film producers have Teamsters on the set, they are getting the best there is," says a convinced O'Donnell. "We are professional, we are experienced we know how to get the job done. And we take unqualified pride in doing just that."

The Best of the Best Have Teamsters on the Set

er

es.

he

g.

ne

dy

as

on

)j-

ill

C-

ne

ns

ng

to

n-

ne

er

se 11-

ht

ix

Teamsters who work in the world of film, theatre, and television can certainly be proud of the projects they have been part of, both recently and through the years.

In Hollywood, California, the heart of the motion picture industry, Teamsters are under contract with nearly all the major studios—Universal, Lorimar, Fox, Disney, Columbia Pictures, Warners, Paramount, and other studio names familiar to movie-goers. By rough estimate, California Teamsters worked on more than 1,500 films and television shows in 1989 alone, with another 100 currently in production.

"With such a widespread reach in the Hollywood film industry, it would be difficult to name an awardwinning motion picture or boxoffice success made in this town that didn't have Teamsters on the job," says Leo Reed, secretarytreasurer of Local 399 in North Hollywood. Reed's 2,200 members who work in the move-making and television industries fill jobs as varied as automobile, station wagon, and van drivers, to auto service employees, as indispensable as camera car drivers to the more exotic wild animal trainers and handlers.

"The hours are long, and the work is intense, but nobody comes through better than the Teamsters on the set," Reed steadfastly maintains

In New York, O'Donnell reports, there were 110 feature films and 172 television productions shot partly or wholly in or near New York City last year. Some 30 are currently in production, including the films "Godfather III" with Al Pacino and Diane Keaton; "Awakenings" starring Robert DeNiro and Robin Williams, and "Bonfire of the Vanities" featuring Tom Hanks and Bruce Willis. TV series in production include "Kojak," "Molly Dodd," "True Blue," "H.E.L.P.,"

About the Industry . . .

- In 1989, the average American household spent \$310 to see movies, cable and pay TV, and videocassettes. The total expenditure for such entertainment in the U.S. in 1989 was \$28,050,000,000.
- Theatrical box office grosses represented \$5,030,000,000 of this amount, with 1,133,000,000 tickets sold last year.
- Some 567 theatrical motion pictures were rated by the Classification and Rating Association in '89. Only 432 were released theatrically.
- Theatrical moviemakers are increasingly dependent upon revenue from non-box office sources such as videocassettes, and upon revenue from foreign countries. In 1989, United States motion picture distributors had worldwide revenues from all sources of \$11,623,000,000. Of this amount only 32 percent came from the theatrical box office. Of worldwide revenues from the theatrical box office and other sources, 37 percent came from foreign countries.
- Motion pictures and television have the second most favorable balance of trade revenues of all industries in the United States.
- In 1989, 4,613 hours of new television entertainment programming was made, not including sports and news.
- The average U.S. family watched 55 hours and 48 minutes of television each week last year.

and the newly introduced "Law & Order."

Through the years, New York Teamsters have also been on the scene for the filming of such classics as "On the Waterfront," "Marty," "Midnight Cowboy," and "The French Connection." More



Teamsters on the set with actor Alan Alda (in foreground) for filming of "Sweet Liberty" in Southampton, New York.

Movies

(continued)

recently they've worked on "Ghostbusters I & II," "Hannah and Her Sisters," "Wallstreet," "Working Girl," "Fatal Attraction," "Crocodile Dundee I & II," "Harry Met Sally," and "Do the Right Thing." Just released films include "Shock to the System" starring Michael Caine and "Steel Blue" featuring Jamie Lee Curtis.

Meanwhile, in the nation's heartland, more and more movie making is coming to Chicago, says Bill Hogan, Jr., president of Chicago area Local 714. The local has some 500 members who work in the film and convention industries, with an extra 300 drivers on call.

In a recent interview in *Screen*, Hogan explains, "There's a trend toward reality. Producers don't want to shoot on back lots. They want to shoot on location." Despite that fact, he says, "we can't forget that producers have options. If we want business to keep coming here, we have to please people and solicit their business. If we keep doing a good job, the growth potential is here."

Proud of the work of his members, Hogan points out that the 1979 Oscar winner, "Ordinary People," got class-act assistance from Chicago Teamsters. So, too, have recent and current productions such as "The Untouchables" with Kevin Costner, Robert DeNiro, and Sean Connery; "The Color of Money" starring Paul Newman and Tom Cruise; "Code of Silence" with Chuck Norris: John Hughes' "Home Alone"; the television series "The Equalizer"; and Oprah Winfrey's T.V. series, "The Women of Brewster Place," which began production in March.

Throughout the motion picture and theatrical industry, Teamsters are garnering top accolades from film producers for first-class work and efficiency. It is praise, O'Donnell, Reed, and Hogan agree, their members well deserve.

Making the Magic Happen:

. . . In the Convention Hall

when the exhibit hall doors swing wide for the opening day of yet another trade show, everything has to be just right.

The seeming panic and hectic pace of the-night-before preparations must disappear, giving way to a much different scene. Exactly on schedule, an empty, cavernous hall must be transformed into an orderly, albeit complex, maze—sometimes the size of a small city, with exhibits two stories tall—ready and waiting for the earliest convention-goer's arrival.

The Teamsters who work in the trade show and convention center industry are essential to making that magic happen. They work in a fast-paced, fiercely competitive, labor-intensive world where the impossible is routinely requested, if not expected—and where Teamsters consistently come through for anxious convention organizers, harried trade show managers, and concerned exhibitors.

"The trade show and convention industry is growing like crazy," says Bill Hogan Jr., recently named to head up the IBT's newly streamlined Trade Show and Convention Center Trade Division (see separate story, this issue). "Our aim is to continue to improve relations between labor and management, to get people listening to each other and understanding each other's problems. In this business, where time is of the essence, cooperation and teamwork are the keys. If they don't happen, we're all in trouble, and we go nowhere."

Making things happen seems to be Hogan's forte. He is largely credited with leading the efforts of Chicago Teamsters in setting up the mammoth 1,700-exhibit National Sporting Goods Association show at McCormick Place last fall. The herculean effort by Teamsters, electricians, carpenters, plumbers,



Exhibitors' supplies get careful Teamster handling.

riggers, millwrights, and decorators was a near-miracle, according to the Chicago Convention and Tourism Bureau. The show, which normally would have required up to six days for setup, was readied in 48 hours flat, setting a new industry record for an event of that size.

Getting out the message that Teamsters do the best job is one of Hogan's personal priorities. "Dealing with unions is not the worst thing in the world," he says. "Some states sell the idea that they're right-to-work states and that you don't have union problems. I've been to some of those states and I've been in their convention centers. What takes them 10 days to do, we do in three. And the reason is, we have the skilled labor."

Chicago's Teamsters Set Trade Show Record

The man knows of what he speaks. Hogan's own local, Local 714 in Chicago, is one of the IBT's largest. Nearly 500 members work directly in the trade show industry—most moving freight off the loading docks. In Chicago, that means the behemoth McCormick Place, the nation's largest trade

show site with its "seven miles of aisles." (For the sporting goods show, 2,000 trucks delivered nearly three million pounds of freight to McCormick Place, all of which had to be dutifully distributed into an area the size of 40 football fields, within the 48-hour deadline.)

Hogan encourages Teamsters in the industry to work at improving communication between the union and the show exhibitors. Interviewed recently in *Crain's Chicago Business*, Hogan explained, "We're trying to mitigate fears . . . of working with unions. . . . There should not be an adversarial relationship on the trade show floor [in order] to make the show a good experience for everybody."

Some problems do enter into the picture, however, when exhibitors show a blatant disregard for union rules. "Sometimes new exhibitors are uninitiated and naive about the way things get done at a trade show," Hogan says, "but the reason rules were set up to begin with was to make things easier for everyone. If the rules are not followed, you waste time, you

waste money, tempers flare. It doesn't work."

Cooperation the Key To a Successful Show

Making it all work, smoothly and efficiently, is what the trade show business is all about. That's why the IBT's Trade Show and Convention Center Trade Division director believes so strongly in talking through problems with trade show bosses and his union members. "When people know the situation, when they are kept informed, there's a good chance of settling differences and solving problems. Without the two-way give-and-take, you're deadlocked and you go nowhere," Hogan states.

"There are great things ahead for this industry, and our image is improving. My goal is to keep that happening."

Thus far, Hogan's approach seems to be working. A recent article in the *Chicago Tribune* reported the comments of Daniel Weber, the director of meetings for the Chicago-based Institute of Food Technologists. Admittedly leery of holding a show at McCormick Place because of industry



Teamsters provide safe transit from the van to the hand truck to the exhibit hall.

war stories about labor problems there, the 15,000 people who attended the show had a pleasant surprise.

"We surveyed their attitudes before the show and afterward," Weber said. "The exhibitors' rating of the labor force was 30 percent higher after the show than before. The Teamsters got the highest 'plus' rating. I think the people would be surprised by that."

Some people, maybe, but not Bill Hogan. "We've got some of the hardest working, most dedicated Teamsters in the country working in this industry. When exhibitors want the best, there are no two ways about it. They want Teamsters on the job."

And that's the way Hogan and the Trade Show and Convention Center Trade Division will be working to keep it.



Tricky maneuvers with cumbersome crate pose no problem for experienced Teamster operator.

Teamster Locals Active in DRIVE . . .



Teamster members from Local 371, Rock Island, IL, who work for Consolidated Freightways, recently signed up for DRIVE with 100% participation.



Jack Ancona, DRIVE representative, signed up 100% of K & R Delivery workers from Teamsters Local 50, Belleville, IL.





UPS workers of Local 270, New Orleans, LA, (above, left and right) signed up for DRIVE with the assistance of DRIVE representative T. Tommy Cutrer.



Claude Brown, DRIVE representative, recently signed up Teamster members from Local 247, Detroit, MI.



The Teamsters Executive Board for Local 284, Columbus, OH, and members who work for Columbus Distributing are 100% in support of DRIVE. The Executive Board members include: Harold Speakman, president; Brian Rice, secretary-treasurer; Gary Haskins, vice president; Harold Price, recording secretary; and Larry Perrin, Roger Pack, and Dale Grossman, trustees.

For Notch Problem, Time for Action Is Now

Retiree Department has been trying for years to get the "notch" corrected. Teamster retirees have written thousands of letters and signed many petitions.

Finally, after all these years, we have the power to get a notch correction bill enacted. Although many notch correction bills have been introduced in the U.S. House of Representatives, Chairman Dan Rostenkowski (D-IL) of the House Ways and Means Committee has adamantly refused to release any of these bills and permit a vote on the floor of the House. Fourteen bills have been introduced in the 101st Congress, and, of course, Congressman Rostenkowski refuses to release any of these.

The best legislation for correcting the notch, H.R. 917, was introduced last year by Congressman Edward R. Roybal (D-CA). This bill is called the "Social Security Transitional Benefit Computation Act of 1989." It is a bill to amend Title II of the Social Security Act. It would provide for a more gradual 10-year period of transition to the changes in benefits computation rules enacted in the Social Security Amendments of 1977, as they apply to workers reaching age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits, accordingly. There are currently 144 cosponsors of H.R. 917. This bill was sent to the Ways and Means Committee on February 7, 1989, where it is being held, along with all the other notch correction bills.

Many years ago Congress foresaw the possibility of bills being held up unjustly by the Ways and Means Committee. Congress therefore provided for a remedy called a "discharge petition."

A discharge petition is an instrument which must be signed by no fewer than 218 members of the House and, when signed, commands the Ways and Means Committee to release the bill or bills specified in the petition to the floor of the House for debate.

If Teamsters retirees and other seniors can get a good notch correction bill out on the floor for a vote, it can pass. With the entire House up for reelection in 1990, very few Representatives would dare vote against it.

So, how do we get the necessary 218 signatures in the House? In the past five or six years more than 200 U.S. Representatives have signed one or more notch correction bills. We must insist that they prove their sincerity by signing the discharge petition to get the bills now impounded in the House Ways and Means Committee released.

Write to the representative from your congressional district and demand that he or she sign the discharge petition to release all of the notch correction bills. The representatives need to be told that if they sign the discharge petition, you will support them in the 1990 election, and if they will not sign the petition, you will oppose their candidacy next year.

"Our problem in the past has been that we have not all lobbied for this," said Retiree Department Director Roy Herrick. "However, we can be very strong if we work together; there are approximately half a million Teamster retirees. With our spouses, children, and grandchildren, who are certainly interested in seeing that we are treated fairly, we control millions of votes. If we handle this issue correctly and with solidarity, we can win."

All it will cost is a 25¢ stamp.

There is reason to believe the National Committee to Preserve Social Security and Medicare will also be promoting the discharge petition. Their lobbyists could be very effective in getting the discharge petition signed and a notch correction bill enacted. Social Security and Medicare are constantly

under attack and the National Committee can be of great assistance, now and in the future, if the lobbyists for the Committee can prove that they are effective.

"At this moment, it's up to us," Herrick emphasized. "We can force a bill out of the Committee, if we work at it. Get every member of your club to write a letter to his or her member of Congress and have members of your family write. These letters should not be the same old letters we've been writing; these letters must say that you want the member of Congress to sign a discharge petition."

Driver Wins Safety Award



Teamster driver Donald Safe, a member of Local 160, Rochester, Minnesota, was recently named driver of the year by Whiteford Transport System, for driving 4.2 million miles in his career without a preventable accident. Safe is a driver for S.B. Foot Tanning Co,, which leases from Whiteford Transport. In addition to Safe's honor, the S.B. Foot fleet received three achievement awards from the National Private Truck Council. Other members of the award-winning fleet include Local 160 members Terry Olson, Doug Johnson, Marion Anderson, Jon Kuehni, Bill B. Thompson, Larry Jaenke, and Gary Nord.

Report XI to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

This Report will be primarily devoted to updating you on the work of the Election Officer. I will also tell you about the status of the Investigations Officer's case against Harold Friedman and Anthony Hughes.

FINAL RULES FOR THE UPCOMING IBT ELECTIONS

The Election Officer, attorney Michael H. Holland, has issued the final rules for the IBT International Delegate and Officer Election.

Copies of these new rules have been dispatched to each of your Local Unions, to all other IBT subordinate bodies and International Officers, and to all who attended the eight Rules hearings.

The Election Officer will also be preparing a Summary of the Rules for publication as part of my Report in a future issue of *The International Teamster*. In addition, any IBT member or officer who makes a request to the Office of the Election Officer will be sent a copy of the final rules. Requests can be made either by writing to Mr. Holland or by telephoning his office at his toll free phone number 1-800-828-6496.

These rules were carefully assembled by Mr. Holland. The rules come predominantly from the existing IBT Constitution—but they also reflect the key elements of the Consent Order signed last year between the U. S. Government and the IBT International Officers, judicial rulings in the wake of that Consent Order, as well as the Landrum-Griffin Act, case law and administrative rulings. Mr. Holland also studiously examined the 1981 and 1986 IBT convention proceedings and rules, certain IBT constitutional interpretations and the election provisions of several other union constitutions.

Proposed Rules Carefully Considered

Before issuing these final rules, Mr. Holland drafted *proposed* rules, a subject I discussed with you in the previous issue of this magazine. These proposed rules were widely disseminated to the IBT membership and they were mailed to all IBT Local Unions and other affiliates. Nearly 1,000 individual members requested and received their own copies.

As indicated in the March, 1990 issue of *The International Teamster*, Mr. Holland conducted eight IBT hearings throughout the United States and Canada—at least one in each Area Conference—to listen to the membership's concerns about these rules and to respond to your questions. The hearings opened in San Francisco and moved

on to Seattle; White Plains, New York; Baltimore; Chicago; Memphis; Cleveland, and Toronto, Canada.

On behalf of Mr. Holland and myself, I want to thank the many members—well over 500—who participated in these hearings. We particularly want to thank the many members who had taken the time to study the proposed rules prior to the hearings and came prepared to offer cogent and constructive suggestions as well as criticisms. I have reviewed hearing transcript materials of the hearings and while some heat was obviously generated, there was no shortage of light. Your comments were extremely helpful in ensuring that the final rules not only provide for an honest and fair election process, but also are as practicable as possible. Copies of the transcript of each hearing, incidentally, are available to anyone who wishes to contact the court reporters who produced the records of each hearing.

Mr. Holland's job during these eight hearings across North America was to receive commentary and reactions to the proposed rules—and not comments on the nature and ramifications of the Consent Order signed between the Government and the IBT leadership. In this respect, he was largely successful in conducting hearings not on the Consent Order but solely on the rules.

IBT members and officers, particularly those who during the hearings indicated their interest in vying for convention—delegate status and/or International Officer, generally contended that the proposed rules did not go far enough for rank-and-file candidates who wish to become delegates or seek higher office within the union.

Specifically, many of their comments and questions focused on concerns regarding:

- campaign-financing restrictions which could inhibit challengers versus incumbents;
- incumbents possessing far too great an advantage in terms of communications access to IBT rankand-file members—and their capability to promote their candidacies while on the job;
- the seemingly imposing level of signatures required to validate "accredited" candidates for International Officer slots;
- ensuring that as many election observers as necessary are present at all phases of ballot printing and the polling process;
- ensuring that there is at least one campaign mailing (at the expense of the IBT) to all members by all accredited candidates before the Orlando convention, followed by a second mailing after the convention but before the election;

- ensuring access of all candidates to the local and regional IBT publications in addition to The International Teamster magazine; and
- the validity of forming "slates" or grouping of candidates for local union delegate slots and International Officers.

In turn, other IBT members and officers expressed concerns that the proposed rules were too complex and burdensome for the IBT elected officers and staff who have a role in implementing the rules at the local and international levels. For example, some of their comments and questions focused on:

in

ed

er

gs

35

ly

le

35

h

28

ls

is

e

- whether there must be separate ballots for simultaneous Local Union officer-and-delegate elections scheduled for late this year;
- controversies which may erupt over pre-election and post-election protest and appeals procedures;
- the costs of financing a democratic election at the local level-including the costs of Local Unions covering the up-front expenses of all candidates' campaign literature; and
- rules on alternate delegates, costs of absentee balloting and stamped envelopes, and the burdens of numerous local union bulletin-board postings in locals with widespread geographic areas.

In addition to obtaining your input at the hearings, the Election Officer received written comments and suggestions from numerous IBT members and their legal representatives. In order to further discuss the rules, Mr. Holland also availed himself of the opportunity to meet with attorneys representing the IBT, attorneys for various subordinate IBT units, and attorneys representing candidates and members.

Full Range of Views Heard

As we anticipated, Mr. Holland heard the full range of views concerning the rules he had proposed and distributed on February 22nd. Every comment-whether offered through the speakers' microphone during one of the hearings or submitted in a written document—was carefully reviewed and evaluated before the final rules were issued.

The nature of the comments received by Mr. Holland, his evaluation of such comments, and his reasons for reflecting—or not reflecting—those comments in the final rules are spelled out in the "Commentary" he issued at the time the final rules were promulgated. Again, those of you wishing to examine this Commentary may obtain a copy by contacting the Election Officer's Washington office in the IBT's headquarters.

Mr. Holland has asked me to express his appreciation for your comments and questions—and for the courtesy you extended to him and each other, despite the inherent potential for acrimony and contention. The hearings—in which only IBT members and their representatives were allowed to attend (excluding all members of the news media)—were decorous and democratic.

These final rules are comprehensive. They attempt to include in one document all the regulations governing the conduct of the entire process for electing IBT International Officers. This begins with the nomination and election of IBT International convention delegates through the convention system of nomination of General Officers and General Executive Board Members and the nomination and election of International Trustees-and concludes in December, 1991, with the direct rank-and-file secret balloting for the offices of General President, General Secretary-Treasurer, five at-large General Vice Presidents and 11 regional Vice Presidents.

In accordance with these elections rules—and subject to the supervision of Mr. Holland and his staff-Local Unions shall administer and conduct nominations and an election for your delegates to the 1991 IBT International Convention. Those delegates shall assemble and nominate and elect the International Trustees-and then you and your fellow IBT members through the age-old American tradition of secret balloting will vote for and elect the officers who will guide your International Union well into this new decade and era.

Ш

THE STATUS OF THE INVESTIGATIONS OFFICER'S CASE AGAINST HAROLD FRIEDMAN AND ANTHONY HUGHES

As I have informed you in previous reports, Messrs. Friedman and Hughes were charged, a disciplinary hearing was held, the charges were considered on their merit and I found that a period of suspension was appropriate. Accordingly, on January 11, 1990, I imposed upon both Messrs. Friedman and Hughes a suspension of one year. Thus, for a period of one year, they are to remove themselves from all of their IBT-affiliated Union positions and draw no money or compensation from those positions or other IBT-affiliated services.

However, I stayed the commencement of the period of suspension until such time as Judge Edelstein, in exercise of his powers under the Consent Order, had reviewed my findings and holdings, including the penalty imposed, all of which I had submitted to him.

On March 13, 1990, Judge Edelstein issued an Opinion and Order¹ which affirmed my January 11, 1990, decision with respect to the finding of liability. Judge Edelstein

¹ Judge Edelstein's March 13, 1990 Opinion and Order is printed in full on pp. 24-32 in this issue of the International Teamster.

Report XI (continued)

also denied Messrs. Friedman's and Hughes' requests for injunctions which would have resulted in a suspension of Friedman's and Hughes' sentences. Thus, the one-year suspension that I had imposed but voluntarily stayed became effective immediately upon the issuance of Judge Edelstein's March 13, 1990, Opinion and Order.

In response to Judge Edelstein's March 13, 1990, Opinion and Order, Messrs. Friedman and Hughes filed appeals on March 15 and 16, respectively, in the United States Court of Appeals for the Second Circuit. The IBT also filed a timely appeal. In addition, Messrs. Friedman and Hughes each filed a motion in the Second Circuit to stay their suspension pending appeal. Their motions were denied. Messrs. Friedman's and Hughes' appeals as well as the IBT's appeal are currently pending and I will inform you of the Second Circuit Court of Appeal's decision as soon as it is issued.

VI CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administator LeBoeuf, Lamb, Leiby & MacRae 520 Madison Avenue, 30th Floor New York, NY 10022

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland
Office of the Election Officer for the
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, N.Y. 10007

Court Order of Judge Edelstein

United States District Court Southern District of New York

OPINION & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al.,

Defendants.

IN RE:

APPLICATION VII BY THE INDEPENDENT ADMINISTRATOR.

LIPSITZ, GREEN, FAHRINGER, ROLL, SCHULLER & JAMES, Buffalo, New York, Paul J. Cambria, Jr., William M. Feigenbaum, Richard P. Weisbeck, Jr., of counsel, for Harold Friedman;

LAW OFFICES OF MOSES KRISLOV, CO., Moses Krislov, Cleveland Ohio, for Anthony Hughes;

OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Assistant United States Attorney, of counsel, for the United States of America:

JAMES T. GRADY, General Counsel, International Brotherhood of Teamsters, Mudge, Rose, Guthrie, Alexander & Ferdon, New York, New York (Jed S. Rakoff, Walter P. Laughlin, Robert P. Knapp III, Vincent Esposito, Jr.) of counsel, for the International Brotherhood of Teamsters.

Appearances: FREDERICK B. LACEY, Independent Administrator, Newark, New Jersey;

CHARLES M. CARBERRY, Investigations Officer, New York, New York, and Robert W. Gaffey, of Counsel;

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by the plaintiffs United States of America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and

Court Order of Judge Edelstein (continued)

the IBT's General Executive Board (the "GEB") embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials; the Independent Administrator to oversee the remedial provisions, an Investigations Officer to bring charges against corrupt IBT members, and an Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

On January 11, 1989, the Independent Administrator submitted Application VII to this Court. Through the vehicle of this Application, the Independent Administrator presents for this Court's review his decision dated January 11, 1990 (the "January 11, 1990 Decision of the Independent Administrator") on the long-pending charges against two IBT officials, Harold Friedman and Anthony Hughes ("Friedman and Hughes"). Paragraph F.12.(A)(e) of the Consent Decree permits a party to a disciplinary hearing fourteen days to seek the review of this Court. Through Application VII, the Independent Administrator sought review of his January 11, 1990 decision in order to expedite the process. Friedman and Hughes did not object to appealing the decision in this manner, and in their replies cross-moved this Court for a preliminary injunction.

I. Background

for

es

n-

rs,

er-

ff,

II,

nt

This Application culminates the long series of confrontations between Friedman and Hughes, and the Court Officers and the Government over their disciplinary hearings. Friedman and Hughes, the first two IBT officials charged, tried, and now found guilty under the remedial scheme created by the Consent Decree, have vehemently and actively fought these charges. While this Court will review the background leading up to Application VII with varying detail, this Court is familiar with Friedman and Hughes' histories up to this point. For the purposes of completing the record, attention should also be directed to the September 29, 1989 decision of the Independent Administrator, the November 2, 1989 Memorandum and Order of this Court deciding Application III, 725 F. Supp. 162 (S.D.N.Y. 1989) (the "November 2, 1989 Opinion"), and the November 29, 1989 Order of this Court denying reconsideration of Application III.

A. The Defendants

Harold Friedman was a named defendant in the original RICO lawsuit filed on June 28, 1988 and a signatory to the Consent Decree. At that time, Friedman was a member of the GEB, being the Eleventh Vice-President of the IBT. In addition, Friedman was President of Local 507 located in Cleveland, Ohio, and President of the Ohio Conference of Teamsters. In the intervening time, Friedman has since

left the GEB, but continues to serve as President of Local 507 and the Ohio Conference of Teamsters. Friedman was re-elected to his current post as President of Local 507 in 1987.

Anthony Hughes is currently the Recording Secretary of Local 507 in Cleveland. He was neither a party to the original RICO suit, nor a signatory to the Consent Decree. Hughes was re-elected to his current post of Recording Secretary of Local 507 in 1987.

Friedman, Hughes, and the late Jackie Presser were codefendants in a criminal indictment in the Northern District of Ohio eventually tried as United States v. Friedman, et al., 86 Cr. 114 (White, J.). The charges involved allegations that the defendants embezzled from certain unions through a "ghost employee" scheme. Friedman and Hughes were convicted of the charges in that indictment and sentenced by Judge White to a four-year term of probation, and separation from all IBT-related activity for a concurrent four-year period. Judge White stayed the imposition of the sentence pending the outcome of Friedman and Hughes' appeals of their convictions to the United States Court of Appeals for the Sixth Circuit.

B. The Charges

The Investigations Officer filed charges against Friedman and Hughes on July 26, 1989, comprising the group of allegations termed "Charge I" by the Independent Administrator. Charge I alleged in substance that the conduct which formed the basis of their criminal convictions on racketeering charges also violated specific provisions of the IBT Constitution. From the beginning, Friedman and Hughes emphatically denied these charges, as well as the underlying convictions. The Independent Administrator held hearings on Charge I on December 13, 1989, and January 4, 1990. On September 20, 1989, the Investigations Officer filed additional charges against Friedman alone, alleging that he breached the IBT Constitution by associating with known organized crime figures, which the Independent Administrator has termed "Charge II." No hearing has yet been held on Charge II.

Charge I specifically alleged that Friedman violated the IBT Constitution by:

- 1. Violating Article II, Section 2(a) of the International Brotherhood of Teamsters Constitution by conducting yourself in a manner to bring reproach upon the International Brotherhood of Teamsters, to wit: by embezzling funds from Bakery, Confectionery and Tobacco Workers International Union, Local 19, in 1981. This conduct was the basis for your conviction for embezzling union funds in violation of 29 U.S.C. §439 in the United States District Court for the Northern District of Ohio, 86 Cr. 114.
- 2. Violating Article II, Section 2(a) of the International Brotherhood of Teamsters Constitution, by conducting yourself in a manner to bring reproach upon the International Brotherhood of Teamsters, to wit: by conspiring to and conducting the affairs of an enterprise

Court Order of Judge Edelstein (continued)

through a pattern of racketeering from 1978 through 1981 in violation of 18 U.S.C. §§1962(c) and (d). This conduct formed the basis for your conviction on Counts I and II of the Indictment, 86 Cr. 114, in the Northern District of Ohio.

3. Violating Article II, Section 2(a) of the International Brotherhood of Teamsters Constitution, by conducting yourself in a manner to bring reproach upon the International Brotherhood of Teamsters, to wit: by filing a false form LM-2 with the Department of labor for the Bakery, Confectionery and Tobacco Workers International Union, Local 19, in 1982. This criminal conviction formed the basis for your conviction on Count IV of the Indictment, 86 Cr. 114, in the United States District Court for the Northern District of Ohio.

Hughes was charged with the following:

- 1. Violating Article II, Section 2(a) of the International Brotherhood of Teamsters Constitution, by conducting yourself in a manner to bring reproach upon the International Brotherhood of Teamsters, to wit: by embezzling funds from Bakery, Confectionery and Tobacco Workers International Union, Local 19, in 1981. This conduct was the basis for your conviction for embezzling union funds in violation of 29 U.S.C. §439 in the United States District Court for the Northern District of Ohio, 86 Cr. 114.
- 2. Violating Article II, Section 2(a) of the International Brotherhood of Teamsters Constitution, by conducting yourself in a manner to bring reproach upon the International Brotherhood of Teamsters, to wit: by conspiring to and conducting the affairs of an enterprise through a pattern of racketeering from 1978 through 1981 in violation of 18 U.S.C. §§1962(c) and (d). This conduct formed the basis for your conviction on Counts I and II of the Indictment, 86 Cr. 114, in the Northern District of Ohio.

The allegations filed by the Investigations Officer treat Friedman and Hughes' criminal convictions as the underlying conduct which forms the basis of their violations of Article II, section 2(a) ("§2(a)") of the IBT Constitution. Section 2(a), the IBT oath of office, enumerates obligations incumbent upon all members. In relevant part, §2(a) requires that members "conduct himself or herself at all times in such a manner as not to bring reproach upon the Union. . ." What behavior violates this prohibition has become the subject of considerable disagreement.

C. Pre-hearing Litigation Involving Friedman and Hughes

Events involving Friedman and Hughes first came before this Court through Application III by the Independent Administrator, submitted October 3, 1989. In Application III, the Independent Administrator sought review of the September 29, 1989 Decision, in which he established his jurisdiction to hear the charges filed against Friedman and Hughes. In response to Application III, Friedman and Hughes jointly and separately moved this Court for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, which asked this Court to rule the Independent Administrator had no jurisdiction to hear the charges.

Specifically, Application III presented the question of the jurisdiction of the Independent Administrator to hear charges against them, in light of the provisions at Article XIX, §3(d) and Article XIX, §6(a) of the IBT Constitution; and ¶D.5 of the Consent Decree. The September 29, 1989 Decision found (1) that although §3(d) protected IBT Officers from discipline for conduct prior to their current elective term that was "known generally" to the membership, it did not shield Friedman and Hughes from these charges; (2) that §6(a), as amended by ¶D.6 of the Consent Decree, specifically permitted charges while appeals of underlying criminal convictions pend; (3) that ¶D.5 of the Consent Decree modified another portion of §6(a) and lengthened the statute of limitations for charges from the incumbent one-year to a five-year period from the alleged misconduct, and permitted this hearing; and (4) that Friedman and Hughes were collaterally estopped from relitigating the substance of their criminal convictions in U.S. v. Friedman, 86 Cr. 114 (N.D. Oh.).

The injunction by Friedman and Hughes essentially sought consideration of the issues adversely decided by the September 29, 1989 Decision (and already before the Court by way of Application III). Hughes alone argued that since unlike Friedman he was neither a party to the original lawsuit nor a signatory of the Consent Decree, he should not be bound by its strictures or changes to the IBT Constitution.

The substance of Application III and the injunction in opposition were among the issues considered at a hearing held October 13, 1989. Since Application III involved issues which, if decided, would influence the merits of Friedman and Hughes' injunction, a further hearing to specifically consider these issues was held on October 16, 1989.

The November 2, 1989 Opinion affirmed the Independent Administrator's September 29, 1989 Decision in all respects, in particular establishing his jurisdiction to hold hearings on the disciplinary charges against Friedman and Hughes. This Court denied the injunctions for lack of irreparable harm, since they ultimately could seek review of any decision by the Independent Administrator in this Court. Finally, this Court found that Hughes was bound by the strictures of the Consent Decree.

Friedman and Hughes both appealed the November 2, 1989 Opinion to the United States Court of Appeals for the Second Circuit. The Second Circuit preserved Friedman and Hughes' rights to appellate review of the decisions, but refused to stay the ruling of this Court, effectively

¹ On October 18, 1989, this Court issued a Memorandum and Order, 723 F. Supp 202 (S.D.N.Y. 1989) which ruled, among other things, that Friedman, Hughes, and the Government should submit further memoranda relating to this subject.

allowing the hearings before the Independent Administrator to go forward.

In addition to Friedman and Hughes' direct litigation before this Court, Local 507 filed suit in the Northern District of Ohio alleging that the Independent Administrator, the Investigations Officer, and the IBT with breaches of the IBT Constitution resulting from the implementation of the Consent Decree. Friedman also brought a motion for a temporary restraining order against the hearing before his pending an interpretation of the stay issued in his criminal conviction. This Court subsequently enjoined both Cleveland actions, and the Government alleged that Friedman was in contempt of the permanent injunction located at ¶E.10 of the Consent Decree against obstructing with its implementation. The events surrounding the suits are more fully discussed in the January 17, 1989 Opinion and Order of this Court (the "January 17, 1990 Opinion").

In connection with the actions in Cleveland, the Government also prosecuted separate contempt charges against Friedman. After a series of hearings on alleged contumacious conduct by Friedman, the collateral suits in Cleveland were withdrawn. After further factual submissions, the question of Friedman's contempt is still under active consideration by this Court, and will be considered later in this Opinion.

II. Standards for Review

an

nd

al

ile

ar

ar

:le

BT

nt

nt of

ne

nd

10

ed

at

m

in

ly

y

ed

0

ŝ,

nt

2-

d

of

W

is

d

The instant opinion marks the first time this Court will act in its appellate capacity over the rulings of the Independent Administrator in a disciplinary matter. As a preliminary matter this Court must establish a standard of review for determinations of the Independent Administrator, since the Consent Decree is silent on this matter. Paragraph F.12(A)(e) of the Consent Decree does provide that the Independent Administrator should use the "just cause" standard at hearings.

The statutory standard of review by district courts of decisions by the National Labor Relations Board (the "N.L.R.B.") in the labor context, is the "abuse of discretion" standard outlined in the Administrative Procedures Act. See 5 U.S.C. §706. See also Universal Camera Corporation v. NLRB, 340 U.S. 474, 486–88 (1951); N.L.R.B. v. Gordon, 792 F.2d 29, 32 (2d Cir. 1986). Under the abuse of discretion standard, District Courts should overturn findings only if unsupported by "substantial evidence." See Feerick, Baer, Arfa, N.L.R.B. Representative Elections §7.9.1. See also N.L.R.B. v. Gordon, supra, 340 U.S. at 486–88.

This Court believes that the interests of fairness and justice favors the abuse of discretion standard, which requires this Court to thoroughly scrutinize the decisions of the Independent Administrator.

III. The November 1, 1989 Resolution

The IBT held a special meeting of the GEB on November 1, 1989 where they discussed and passed a resolution which (1) interpreted Article II, §2(a) and limited violative

conduct to those offenses specifically enumerated at Article XIX, \$6(b) (3)–(6) thereby eliminating those at \$6(b)(1)–(2), and (2) interpreted Article XIX, \$3(d) to shield reelected officials from facing disciplinary charges simply if the membership knew of the allegations, regardless of whether the officials denied the conduct or not (collectively, the "November 1, 1989 Resolution"). These reinterpretations were accompanied by an explanatory legal memorandum from the IBT in support.

The November 1, 1989 Resolution would effectively preclude the charges against both Friedman and Hughes through its reinterpretation of §3(d), since both were reelected to their union posts in 1987, after their 1986 indictments. Charge I specifically alleges violations of §2(a) still cognizable even after the November 1, 1989 Resolution.

Indeed, the November 1, 1989 Resolution would eviscerate almost other pending charges filed by the Investigations Officer that allege violations of \$2(a) stemming from associating with known organized crime figures, as well. The reinterpretation of \$2(a) was purportedly undertaken at the behest of GEB member Theodore Cozza—who himself currently faces charges for violating \$2(a) by associating with known organized crime figures.² For reasons to be discussed, the Independent Administrator chose to disregard the November 1, 1989 Resolution.

Both the IBT and the Independent Administrator seek to protect important rights critical to the success of the remedial reforms without infringing upon IBT's protected sphere. But the effect of the November 1, 1989 Resolution—to invalidate and void pending charges against IBT officers, including members of the GEB—must raise questions over its propriety.

Upon review of the circumstances surrounding the November 1, 1989 Resolution, the provisions in the Consent Decree, and the deference courts grant unions to interpret their constitutions, this Court finds the entire November 1, 1989 Resolution unreasonable and to be disregarded by the Independent Administrator.

A. The Independent Administrator's Determination that He is Not Bound by the November 1, 1989 Resolution

In his January 11, 1990 Decision, the Independent Administrator considered the November 1, 1989 Resolution in light of his enumerated obligations and powers under the Consent Decree, the jurisdictions of the IBT to interpret its constitution, and the circumstances surrounding its passage. The Independent Administrator concluded that he was not bound by the November 1, 1989 Resolution and disregarded it with relation to Friedman and Hughes.

Specifically, the Independent Administrator found that paragraph F.12.(A) of the Consent Decree vested him with

² In addition to the charges filed by the Investigations Officer, Cozza, a signatory to the Consent Decree, has filed a collateral suit in this Court seeking to litigate issues relating to his charges.

Court Order of Judge Edelstein (continued)

the same disciplinary power as the IBT General President or GEB, as enumerated in Articles VI and XIX of the IBT Constitution. The Independent Administrator referenced Article VI, Section 2(a) as empowering the General President to interpret the constitution regarding disciplinary matters, and Article IX, Section 1 as authorizing the GEB to interpret and apply the IBT Constitution. In addition, ¶F.12.(A) authorized the Independent Administrator to affirm, modify, or reject disciplinary decisions made by the General President or GEB. Taken together, the Independent Administrator deduced the authority both to void a constitutional interpretation by the General President or General Executive Board if it involved disciplinary matters, and to make his own interpretations of the IBT Constitution on disciplinary matters. See January 11, 1989 Decision at 15–35.

The Independent Administrator ruled the November 1, 1989 Resolution unreasonable in light of the circumstances surrounding its passage, its inconsistency with the IBT Constitution itself, and its effect on pending charges. In addition, he found such an exculpatory attempt violated the spirit and intent of the injunction against associating with organized crime figures located at ¶E.10 of the Consent Decree.

In their submissions on this particular subject, the IBT outlined the motives and justifications of the GEB in passing the November 1, 1989 Resolution. They indicated that the GEB felt that the language of §2(a) was too vague, and did not adequately inform IBT officers what conduct would subject them to disciplinary charges under that section. With respect to the reinterpretation of §3(d), the IBT iterated that the distinction between conduct alleged and actual conduct—the interpretation proffered by the Independent Administrator in his September 29 Decision and affirmed by this Court in the November 2, 1989 Opinion—should be eliminated as transgressing the policy underlying the original passage of §3(d). The IBT indicated that the original purpose of §3(d) was not to upset election results and thereby contravene the common weal of an IBT local, as demonstrated through the ballot box.

Beyond providing justifications for their actions, the IBT challenged the legal basis of the Independent Administrator to ignore this resolution. Specifically, the IBT argued (1) that the Consent Decree in no way permitted the Independent Administrator to (a) interpret the IBT Constitution, or (b) override a lawfully rendered interpretation; (2) the attempt of the Independent Administrator to disregard the November 1, 1989 Resolution violated the plain language of the Consent Decree; and (3) the November 1, 1989 Resolution was reasonable and lawful and must be honored.

Friedman and Hughes argued the more general proposition that the November 1, 1989 Resolution was on its face a reasonable exercise of power by a legitimately empowered body. They further contended that the Independent Administrator had no power to preempt a legitimate exercise of IBT prerogative.

The Investigations Officer fully supported the Independent Administrator's conclusion that he was not bound

by the November 1, 1989 Resolution. The Investigations Officer further offered six rationales for this Court to affirm the Independent Administrator's determination; (1) that the Independent Administrator was not bound by the interpretations proffered by a co-equal body (the GEB); (2) the GEB sought to exculpate Friedman, Hughes, [and perhaps Cozza]; (3) the resolution contradicted the plain language of the IBT Constitution; (4) the resolution was passed in bad faith; (5) the resolution was inconsistent with prior GEB determinations; and (6) the resolution violated the Consent Decree.

B. The Relative Authority of the Independent Administrator, the General President, and the GEB Under the IBT Constitution and the Consent Decree

The IBT Constitution empowers the General President, and GEB to interpret the IBT Constitution. Article VI, Section 2(a) of the IBT Constitution empowers the General President to unilaterally interpret the constitution between meetings of the GEB. Article IX, Section 1 grants the GEB the authority to interpret the constitution between International Conventions of the IBT.

The Consent Decree created the Independent Administrator as a surrogate under the IBT Constitution for the General President and the GEB for the purposes of disciplinary matters. Paragraph F.12.(A) specifically vested the Independent Administrator with authority over all disciplinary matters equal to that of the GEB and the General President. As determined in the January 17, 1990 Opinion, "IBT General Counsel Grady averred that the provisions of the Consent Decree were not merely a settlement between the individual signatories and the International IBT alone, and the Government, but that the Consent Decree is 'the Constitution of the International Brotherhood of Teamsters.' "January 17 Opinion at 53 (quoting Testimony of James T. Grady, [General Counsel of the IBT], before the United States Senate, Federal Government Use of Trusteeship under the RICO Statute: Hearings Before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs of the United States Senate 101st. Cong., 1st Sess. 31 [April 4, 1989]). The power of the Independent Administrator to act over disciplinary matters has roots not only in the Consent Decree but in the IBT Constitution itself.

In this instance, the Court is faced with a serious conflict over the implications of two separate provisions of the Consent Decree, those in ¶F.12.(A), and also paragraph M.18 ("¶M.18") Paragraph M.18 specifically stated that the settlement did not affect any provisions in the IBT Constitution other than those listed in the order. The IBT believes that ¶M.18 prevents the delegation of interpretive power, either to courts or court-appointed officers. As always, Consent Decrees must be interpreted according to their explicit terms. See United States v. Armour & Co., 402 U.S. 673, 682 (1971); Securities and Exchange

Commission v. Levine, 881 F.2d 1165, 1178-79 (2d Cir. 1989).

1. The Background Power of the IBT to Interpret Its Constitution

ns

to (1) :he B);

nd

ain

ras

ent

on

VI.

ral

EB

er-

in-

he

of

ed

all

he

90

he

a

he

nat

nal

sel

ral

te:

es-

ril

to

he

ict

he

ph

nat

3T

3T

ve

As

ng

ge

It is true that as a general rule Courts recognize the power of labor unions to interpret their own Constitutions, and defer to their interpretations unless they are not fair or reasonable. Felton v. Ullman, 629 F. Supp. 251, 255 (S.D.N.Y. 1986); Association of Contracting Plumbers of NYC v. Local no. 2, 676 F. Supp 523, 529 (S.D.N.Y. 1988); District Council 37 v. Wurf, 496 F. Supp. 1021, 1026 (S.D.N.Y. 1980); Local 334, etc. v. United Association of Journeymen, 669 F.2d 129, 131 (3d Cir. 1982), quoting Stelling v. Intern. Broth. of Elec. Workers, 587 F.2d 1379 (9th Cir. 1978), cert. denied 442 U.S. 944 (1979); Vestal v. Hoffa, 451 F.2d 706, 709 (6th Cir. 1971).3 Courts should be reluctant to unduly interfere in union administration. Association of Contracting Plumbers v. Local no. 2, supra, 676 F. Supp. at 529; Felton v. Ullman, supra 629 F. Supp. at 529; District Council 37 v. Wurf, supra, 496 F. Supp. at 1025–26. Courts must be careful not to freely substitute their judgment for that of more skilled union officials in interpreting their own constitutions. Felton v. Ullman, supra, 629 F. Supp. at 255; District Council 37 v. Wurf, supra, 496 F. Supp. at 1026.

Precedent urging judicial deference to a union's own interpretations of its constitution has only limited relevance in this instance. While the IBT has the power to interpret its Constitution, that power is itself rooted in that document. The Independent Administrator's disciplinary powers derive from the Consent Decree and the IBT

Constitution itself.

The IBT argued that it is error for the Independent Administrator to vest himself with power to interpret the IBT Constitution, since such power is non-delegable and should never be exercised by the Courts, or by extension Court-Appointed officers. But Vestal, supra, and Association of Contracting Plumbers, supra, the authority cited by the IBT, make no such blanket statement of non-delegability, and instead view union constitutional omnipotence as a conditional power.

While the IBT argues that ¶M.18 preserves their right to interpret their Constitution as they see fit, unfettered power may allow them to frustrate the implementation of the Consent Decree through "interpretations"—as done here. In order to prevent reforms from being carried out or protect members from charges, the IBT could interpret existing provisions or even amend their Constitution to

accomplish such malignant aims. Such actions must be scrutinized carefully to determine their reasonableness.

2. The Reasonableness of the November 1, 1989 Resolution

At the outset, paragraph L.17 of the Consent Decree ("¶L.17") specifically bound the IBT to its provisions, "constitutional or otherwise." Consent Decree at 25. Paragraph L.17 was intended to protect the background understanding by both parties of what existing rules, regulations, and Constitutional provisions would govern the IBT. Paragraph L.17 indicated that the Government assumed a baseline level of disciplinary authority for the Independent Administrator, and required the IBT to notify the Government of any changes that alter the spirit, intent, or letter of the Consent Decree or the provisions implicated by it. Should the Government object, the IBT would need to seek approval of this Court.

The November 1, 1989 Resolution may be a direct violation of ¶L.17. Such significant alterations in the offenses which constitute violations of the IBT Constitution are major changes in the governing rules of the IBT, and certainly contravene the spirit and intent of the Consent Decree. On this ground alone, the November 1, 1989

Resolution could be voided.

Since the IBT may have been confused as to its obligations under ¶L.17, this Court will consider the reasonableness of the November 1, 1989 Resolution on its merits. Upon consideration of the substance of the resolution, the circumstances surrounding its passage, and the provisions of the Consent Decree, the Independent Administrator correctly ruled that the November 1, 1989 Resolution was unreasonable.

The Independent Administrator and Investigations Officer argue that the November 1, 1989 Resolution is unreasonable and contrary to law. Further, they argue that it contravenes both the Consent Decree and its good faith obligations. The IBT responds that the Resolution represents a lawful, reasonable, and rational action by the IBT.

A review of their cited authority belies the IBT's view that charges based on the term "reproach" could not withstand scrutiny. They argued that "catch-all" provisions such as §2(a) would be void for vagueness and therefore the GEB was legally required to clarify it. Grayned v. City of Rockford, 408 U.S. 104, 108 (1972), and Kolender v. Lawson, 461 U.S. 352, 357-58 (1983), are completely inapposite, since they consider public laws, not the provisions of labor union. The IBT fails to cite persuasive authority in the labor union context, since Mallick v. International Brotherhood of Electrical Workers, 644 F.2d 228, 236 (3d Cir. 1981), and Semancik v. United Mine Workers of America, 466 F.2d 144 (3d Cir. 1972) both involved restrictions on speech, rights specifically guaranteed under the Labor Management Reporting and Disclosure Act (the "LMRDA"), 29 U.S.C. §411, and different from those implicated in this instance.

³ The IBT noted that the Fifth Circuit will not invalidate a union's interpretations of its own constitution unless they are "patently unreasonable." Newell v. Intern. Broth. of Elec. Workers, 789 F.2d 1186, 1189 (5th cir. 1986), quoting Stelling v. Intern. Broth. of Elec. Workers, supra, 587 F.2d at 1389. The Stelling Court itself only required a "reasonable" standard, and this reading is at odds with this Court's reading of Stelling.

Court Order of Judge Edelstein (continued)

Indeed, courts may invalidate a union's interpretation of its constitutional provisions if it finds them motivated by self protectionism and therefore unreasonable. Papianni v. International Association of Bridge, Structural and Ornamental Iron Workers, 662 F. Supp. 1565, 1569–70 (D.N.J. 1985); Morrissey v. Curran, 423 F.2d 393, 398–99 (2d Cir. 1970). A review of the facts and circumstances of the November 1, 1989 Resolution demonstrates that this action of the GEB was unreasonable.

The resolution was passed at a special meeting of the GEB held on November 1, 1989. That meeting was held without notice to the Independent Administrator, and the IBT provided no agenda in advance as required by the Consent Decree. Despite the critical impact of the reinterpretations on the implementation of the Consent Decree—effects fully outlined previously—the IBT failed to notify the Independent Administrator of the meeting. See November 29, 1989 Order of this Court. The behavior of the IBT regarding the November 1, 1989 meeting itself is the subject of a dispute—over whether the discussions held at that meeting are protected from disclosure to the Independent Administrator by the attorney-client privilege—and currently under consideration by this Court.

The GEB responded to "requests" by Theodore Cozza to provide an interpretation of \$2(a) and specifically enumerate the offenses which would qualify as bringing "reproach" upon the IBT. Further, the GEB considered \$3(d), the provision used to uphold charges against former GEB member Harold Friedman, as to the IBT's view of what constitutes "known generally," and whether an officer must be convicted or his actions merely publicized before the membership may be said to have "known generally" of the behavior. The IBT supported its resolutions with a legal opinion justifying the changes.

The IBT sees no moment in the important fact that the reinterpretations as proffered exculpate current or former GEB members from facing charges, and instead focused on detailing specific prohibited conduct to members. Such actions cannot withstand judicial scrutiny as "reasonable," and the Independent Administrator correctly found them as such. See January 11, 1989 Decision at 19.

The reinterpretation of \$2(a) in particular may contravene the permanent injunction against associating with members of organized crime located at ¶E.10 of the Consent Decree. While the GEB indicated in its November 1, 1989 interpretive memo that the reinterpretation of \$2(a) in no way condoned associating with organized crime figures, it defies logic to then determine that a specific allegation of such association would not "bring reproach upon the union."

Finally, the submissions indicated that in 1988, the GEB itself treated the catchall provision at \$2(a) as reasonable in its prosecution of former GEB member Schurr, a fact at odds with the IBT's own memorandum issued as part of the November 1, 1989 Resolution. Schurr was convicted in <u>United States v. Schurr</u>, 84 Cr. 43 (E.D. Pa.), <u>aff'd</u> 775 F.2d 549 (3d Cir. 1985), <u>aff'd on rehearing</u>, 794 F.2d 903 (3d Cir. 1986), and the GEB prosecuted him for violations of \$2(a). At that time, the GEB, General

President McCarthy, (and General Counsel Grady) were comfortable with the prior interpretation. The GEB made no indication that the charges against Schurr were too vague.

th

3. Remedies Under the Specificity Requirement of Section 101 of the LMRDA

The IBT issued the November 1, 1989 Resolution ostensibly sought to specifically inform members what conduct is prohibited by the IBT Constitution.⁴ Despite the fact that officers could seek relief by challenging the charges before the Independent Administrator to ensure their compliance with LMRDA specificity requirements, the GEB instead interpreted the constitutional foundations of these charges out of existence. The second portion of the November 1, 1989 Resolution does not directly implicate the LMRDA.

The November 1, 1989 Resolution is not necessary to satisfy the IBT's concerns that its officers not be charged with vagaries. Under this remedial scheme, the proper course of action for a charged officer would be to petition the Independent Administrator for an order of particularized charges. Should they not find relief from the Independent Administrator and subsequently be found guilty of charges they deem vague, they may challenge such convictions before this Court.

Indeed, the November 1, 1989 Resolution's reinterpretation of \$2(a) itself is not required under Federal law, since a general "'catch-all' charge for activities which are not expressly proscribed in [a union's] constitution" are legal so long "as it is not implemented in an abusive or malicious manner." Gordon v. Winpisinger, 581 F. Supp. 234, 240 (E.D.N.Y. 1984) (McLaughlin, J.).

It is revealing that the specific charges filed by the Investigations Officer which gave rise to the reinterpretation of §2(a) alleged that IBT officers knowingly associating with known organized crime figures—the specific conduct which prompted the underlying RICO lawsuit. Indeed, the overt purpose of the Consent Decree itself is to eliminate the taint of organized crime from the IBT. Such conduct implicates no rights protected by the LMRDA or any other federal law.

IV. The Substantive Decision of the Independent Administrator

With the preliminary matters decided, this Court may now turn to the most critical task at hand, that of reviewing the portion of the January 11, 1990 Decision of the Independent Administrator which determined the fate of

⁴ Charge I as filed against Friedman and Hughes by the Investigations Officer withstands scrutiny and meets the specificity requirements of federal law. Neither Friedman nor Hughes contested Charge I on these grounds.

Friedman and Hughes. The charges as filed against Friedman and Hughes primarily accuse them of violating the IBT Constitution's bar against bringing reproach upon the union located at §2(a). The Investigations Officer framed these charges so that the conduct which formed the basis of their criminal convictions ostensibly constitutes the basis of their violations of §2(a). In short, the claim is that Friedman and Hughes' convictions (1) established a pattern of racketeering activity, (2) determined embezzlement, and (3) proved they falsified LM-2 forms.

Given the previously established standard, their substantive objections must be evaluated in the following context: Did the Independent Administrator abuse his discretion in finding there was just cause to determine that Friedman and Hughes were guilty of the charges and

should be suspended.

ere

ade

on

nat

ite

he

ire

ts,

ns

of

m-

to

ed

er

on

arle-

lty

ch

-e-

W,

re

re

p.

he

e-0-

fic

it.

T.

DA

of

The Independent Administrator dichotomized his analysis into two parts: Friedman and Hughes' liability for the charged acts, and the penalties to be imposed. In addition, to the January 11, 1990 Decision, the Independent Administrator issued a Supplemental Decision on February 6, 1990 (the "February 6, 1990 Supplement") to consider letters written on behalf of Friedman and Hughes in mitigation of punishment. Upon review of the earlier rulings of this Court and a searching examination of the record, the January 11, 1990 Decision, and the February 6, 1990 Supplement, the Independent Administrator had just cause to find Friedman and Hughes guilty of the charges.

Because of the previous rulings of both the Independent Administrator and this Court, Friedman and Hughes were collaterally estopped from relitigating the substance of their criminal convictions. As a result, their major strategy at the hearing was to argue the affirmative defense of \$3(d) that the membership of Local 507 "knew generally" that Friedman and Hughes actually had done that conduct

alleged in the Indictment.

A. §3(d) Does Not Shield Friedman and Hughes

At the outset, this Court has already twice established that Article XIX, §3(d) of the IBT Constitution—which provides that an IBT elected official may not be disciplined for "activities or actions" not known generally to the membership—does not bar these charges. First, in the November 2, 1989 Opinion, this Court specifically considered the exact issue and then determined that §3(d) refers to actual known actions, and since Friedman and Hughes vehemently denied the charges in their criminal indictment, then the membership could not have "known generally" about their actions. November 2, 1989 Opinion, 725 F. Supp. at 165.

Second, in an earlier section of this Opinion reviewing the November 1, 1989 reinterpretation of §2(a) and §3(d), this Court again decided to reject an interpretation of §3(d) which eliminates the distinction between "allegations" and "activities and actions." Simply stated, this

Court believes the Independent Administrator's determination that only those officials elected with the full public knowledge of confirmed actions and activities—such as by a criminal conviction—would shield an IBT officer from charges under §3(d). This interpretation, as iterated earlier, is taken in effectuating the spirit and intent of the Consent Decree. This Court interprets the actions of the Independent Administrator and the GEB with this background interest in mind.

The relevant interpretation of §3(d) means that Friedman and Hughes would have to prove that the membership of Local 507 had conclusive knowledge that the defendants were actually guilty of the conduct when they were reelected. Any other interpretation would only require that any charged IBT officer deny the conduct to avail himself of the §3(d) affirmative defense. Consistent with past rulings, this Court believes that the expansive view of §3(d) accurately distinguishes between "allegations"

and "activities."

In the February 6, 1990 Supplement, the Independent Administrator indicated that Friedman and Hughes introduced 1,483 letters from members of Local 507 in Cleveland, Ohio ostensibly as proof that the membership of that local knew generally of Friedman and Hughes' wrongdoing. The Independent Administrator read the letters and determined that only 18 indicated any knowledge of Friedman and Hughes' actual conduct, and even those were inconclusive. The Independent Administrator then determined that since the letters were not specific, written after the criminal trial, and only 18 indicated knowledge of the conduct, that the letters did not mean that the membership "knew generally" of the conduct.

Based upon the Independent Administrator's thorough review, he did not abuse his discretion in determining that there was just cause to not allow the affirmative

defense of §3(d).

B. Friedman and Hughes' Objections to the Liability Determination

In his appeal of the Independent Administrator's decision, Friedman further reiterated that the Independent Administrator incorrectly applied the doctrine of collateral estoppel, since Anthony Hughes—who opted not to testify at their criminal trial—would now testify that this ghost employee scheme was undertaken at the direction of the FBI. According to Friedman, only the FBI, the late Jackie Presser, Hughes, and he knew of the FBI's authorization for their actions, yet none of them testified. Since the Independent Administrator erred in refusing to allow Hughes' testimony at his hearing, Friedman reasoned, the findings should be overturned.

This Court agrees with the ruling of the Independent Administrator that Friedman had ample opportunity to raise whatever defenses he could in his criminal trial. The Independent Administrator correctly applied the doctrine of collateral estoppel. See November 2, 1989 Opinion 725 F. Supp. at 167. It is well settled that a criminal defendant

Court Order of Judge Edelstein (continued)

has the greatest incentive to fully and comprehensively defend himself against criminal charges. And Friedman has proved himself to be a most voracious litigant. In this instance Friedman faced charges alleging the exact same conduct as that proved in his criminal trial. The procedural guarantees in place at his criminal trial exceeded those possible in a hearing by the Independent Administrator. This Court finds that the Independent Administrator did not abuse his discretion in applying collateral estoppel on the issue of their underlying conduct.

C. [sic] Friedman and Hughes' Objections to the Penalty Determination

The Independent Administrator determined that Friedman and Hughes should each be suspended from all IBT related activity and draw no money from the Union for a period of one year. While he applied collateral estoppel to the factual aspects of the underlying Charge I, the Independent Administrator heard testimony from Friedman and Hughes regarding alleged FBI authorization for the ghost employee scheme in mitigation of punishment. The Independent Administrator weighed the evidence, and the credibility of the witnesses, and determined that Friedman had no prior knowledge of any FBI involvement. He then concluded that these assertions should not mitigate Friedman's culpability or punishment. The Independent Administrator had just cause for such a finding.

In the February 6, 1990 Supplement, the Independent Administrator considered the 1,483 letters written in support of Friedman and Hughes in mitigation of the penalty to be imposed. Friedman and Hughes have objected to the penalty imposed by the Independent Administrator to the extent that it may be inconsistent with their appeal of their criminal convictions.

The Court of Appeals for the Sixth Circuit, they argue, will review their petitions and either affirm or overturn their criminal convictions, which call for a four year probation and suspension from IBT-related activity. Friedman and Hughes contend that if the Sixth Circuit affirms their convictions, then the penalty imposed by the Independent Administrator is moot. On the other hand, should the Sixth Circuit reverse their convictions, then the conduct which formed the basis of the charges would no longer be proven.

This contention by Friedman and Hughes does have considerable merit, but at the present time it is premature for this Court to make a final determination, since the Sixth Circuit may act in any number of ways in between outright affirmance and reversal. As a result, this Court will lift the voluntary stay on the penalty imposed by the Independent Administrator so that the suspension becomes effective immediately. Further, Friedman and Hughes are hereby granted leave to petition this Court for a modification of the penalty if warranted by the decision of the Sixth Circuit. The forthcoming ruling from the Sixth

Circuit does not leave moot the charges in Charge II against Friedman.

V. Contempt Proceedings Initiated Against Harold Friedman

As discussed earlier, the Government sought contempt sanctions against Friedman in connection with the lawsuits filed by Local 507 in Cleveland. Two hearings were held on the contempt allegations. As a result of those proceedings, the suit filed by Local 507 was withdrawn. Further, the motion before Judge White was withdrawn. Since Friedman caused the withdrawal of both suits, ostensibly initiated a[t] the behest of the GEB of Local 507, Friedman purged himself of all contempt. Therefore, the remaining issues involved in the contempt charges became moot. As a result, no decision will be rendered and the matter considered fully settled.

VI. Conclusion

The January 11, 1990 Decision of the Independent Administrator is hereby affirmed with respect to the finding of liability. Friedman and Hughes' cross-motions for injunctions are hereby denied, and are granted leave to seek further review of this Court consistent with this Opinion. The Independent Administrator may hear Charge II against Friedman. Further, paragraph F.12.(A), paragraph M.18, and paragraph L.17 of the Consent Decree are hereby interpreted in accordance with the above rulings. The contempt charges against Harold Friedman are hereby determined to be dismissed.

DATED: March 13, 1990 New York, New York

> /s/ hog bascher U.S.D.J.

II

pt

ts

ld

d-

r,

ce

ly

ın

ng

As

er

nt

ıg

e

e

e

National Boycotts Sanctioned by the AFL-CIO

ACE DRILL CORPORATION

Wire, jobber & letter drills, routers and steel bars United Automobile, Aerospace & Agricultural Implement Workers of America International Union

AEROMEXICO AIRLINES

Airline passenger and freight carrier International Association of Machinists & Aerospace Workers

BLUE CROSS/BLUE SHIELD OF MEMPHIS, TN

Carrier of union health plans AFL-CIO

BROWN & SHARPE MFG. CO.

Measuring, cutting and machine tools and pumps International Association of Machinists & Aerospace Workers

BRUCE CHURCH, INC.

Iceberg Lettuce: Red Coach, Friendly, Green Valley Farms, Lucky United Farm Workers of America

BURWOOD PRODUCTS

Manufacturers of plaques, clocks, and other decorative wall accessories

United Automobile. Aerospace & Agricultural Implement Workers of America International Union

CALIFORNIA TABLE GRAPES

Table grapes that do not bear the UFW union label on the carton or crate

United Farm Workers of America

CLARK GRAVE VAULT COMPANY

Copper and steel burial vaults United Automobile, Aerospace & Agricultural Implement Workers of America International Union

COLT FIREARMS COMPANY

Manufacturers of handguns and rifles United Automobile, Aerospace & Agricultural Implement Workers of America International Union

CONTINENTAL AIRLINES

Continental airline carrier International Association of Machinists & Aerospace Workers, Transport Workers Union of America

EASTERN AIRLINES

Continental airline carrier International Association of Machinists & Aerospace Workers, Transport Workers Union of America

FORT HOWARD PAPER CO.

Green Bay, Wisconsin and Muskogee, Oklahoma, Mardi-Gras, Page, Sof-Knit tissues and napkins, Antique towels, Pom-etts, Edon and **Dolly Madison tissues**

United Paperworkers International Union

GARMENT CORPORATION OF AMERICA

Work clothes and uniforms Amalgamated Clothing & Textile Workers Union

HOLIDAY PAPER CUPS, DIV. OF IMPERIAL CUP CORPORATION

Holiday Paper Cups brand name United Paperworkers International Union

HOLLY FARMS

Chickens and processed poultry products International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

INTERNATIONAL PAPER COMPANY

Producer International and Hammermill bond, offset and writing paper and related products United Paperworkers International Union

JOHN MORRELL & COMPANY

Meat products: John Morrell, Rath Blackhawk, Nathan's Famous, Tobins First Prize, Hunter, Tom Sawyer, Krey, Partridge, Rodeo, Scott Petersen, Bob Ostrow, E-Z Cut, Table Trim, Golden Smoked, Carson

United Food & Commercial Workers International Union

JOHN PORTMAN COMPANIES

Shopping malls, hotels, property management companies, real estate development investment Service Employees International Union

KAWASAKI ROLLING STOCK, U.S.A.

Motorcycles Transport Workers Union of America

KRUEGER INTERNATIONAL, INCORPORATED
Brand name chairs: Matrix, Poly, Dorsal, Vertebra, Stax, Afka, Modular, Auditorium and University Seating (for airports and auditoriums)

International Association of Machinists & Aerospace Workers

LA MODE DU GOLF CO. OF LOS ANGELES

La Mode and Lady La Mode men's and women's golf apparel International Ladies' Garment Workers Union

LOUISIANA-PACIFIC CORP.

Brand name wood products: L-P Wolmanized, Cedartone, Waferwood, Fibrepine, Oro-Bond, Redex, Sidex, Ketchikan, Pabco,

United Brotherhood of Carpenters and Joiners of America, International Woodworkers of America

MOHAWK LIQUEUR CORPORATION

Mohawk labeled gin, rum, peppermint schnapps, and cordials Distillery, Wine and Allied Workers International Union

NAPA VALLEY CO-OP

Bergfeld 1885 (Sauvignon Blanc) wine Distillery, Wine and Allied Workers International Union

PLYMOUTH RUBBER COMPANY

Insulating material, rubber bands and vinyl products United Rubber, Cork, Linoleum and Plastic Workers of America

R.J. REYNOLDS TOBACCO CO.

Cigarettes: Camel, Winston, Salem, Doral, Vantage, More, Now, Real, Bright, Century, Sterling, YSL/Ritz; Smoking Tobaccos: Prince Albert, George Washington, Cater Hall, Apple, Madeira Mixture, Royal Comfort, Top, Our Advertiser; Little Cigars: Winchester Bakery, Confectionery & Tobacco Workers International Union

ROME CABLE CORPORATION

Cables used in mining and construction industry International Association of Machinists & Aerospace Workers

SEATTLE-FIRST NATIONAL BANK

Withdraw funds United Food & Commercial Workers International Union

Subsidiary of Royal Dutch Shell (parent company of Shell South Africa); gasoline, petroleum and natural gas products

SILO, INC.

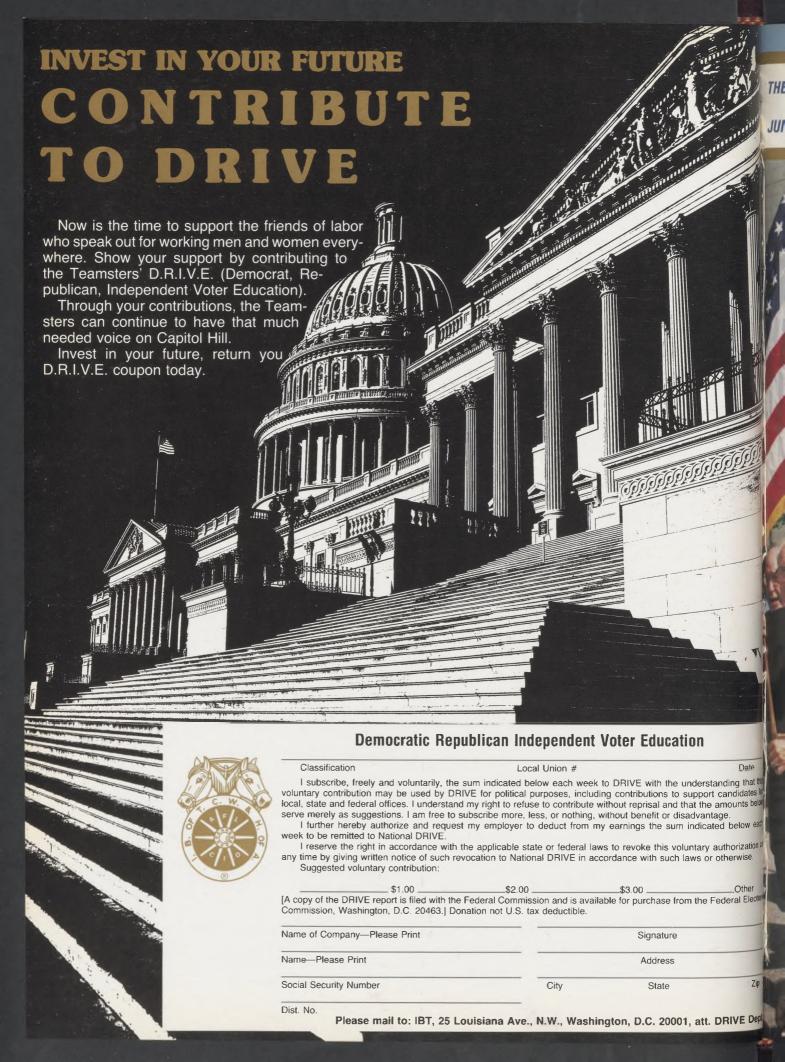
National retailers of electronic equipment and appliances International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America

STERLING RADIATOR

Baseboard heaters for the home United Automobile, Aerospace & Agricultural Implement Workers of America International Union

UNITED STATES PLAYING CARD CO.

Brand names: Bee, Bicycle, Tally Ho, Aviator and Congress Retail, Wholesale and Department Store Union



THE INTERNATIONAL

JUNE 1990

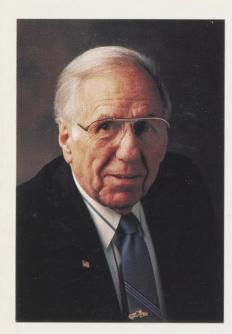
TEANSTER





AMAGAMATED COUNCIL OF GRETHOUND LOCAL UNIONS - AFL CIO AMALGAMATED COUNCIL OF DRIVERS, MAINTENANCE, OFFICE GREYHOUND LOCAL UNIONS - AFL CIO EMPLOYEES DRIVERS, MAINTENANCE, OFFICE ON STRIKE AGAINST GREYHOUND LINES INC. GREYHOUND LINES INC. FOR FAIR LABOR CONTRACT FAIR LABOR CONTRACT GREYHOUND NOT BARGAINING GREYHOUND NOT BARGAINING IN GOOD FAITH IN GOOD FAITH

THE PRESIDENT'S MESSAGE



ecent events have once again demonstrated the need for intensive fraternal solidarity among all international unions. As almost everyone is aware, the management of Greyhound is clearly not interested in negotiating an end to the present strike by the Amalgamated Transit Union. Instead, they are out to break the union by hiring scabs to permanently take the place of the decent. loyal workers whose only crimes are that they belong to a union and that they have gone on lawful strike for better wages and working conditions.

Of course, Greyhound management doesn't call their new hires scabs—they call them replacement workers, and what Greyhound is doing is perfectly legal. Longtime Greyhound workers are losing their jobs for exercising their legal right to strike.

No law has been broken by either side in the dispute but one very important workers' right has been lost—the right to withhold labor in furtherance of a collective bargaining goal.

More than 50 years ago, Congress passed a law—the National Labor Relations Act—protecting the right of workers to form free trade unions, to engage in collective bargaining, and to strike when negotiations fail.

Just three years later, in 1938, the Supreme Court, in a case known as the Mackay Decision, ruled that although workers had the right to strike, employers could hire permanent replacements—which meant that workers who went on strike were at risk of losing their jobs.

For 40 years employers used this weapon against workers sparingly . . . until the 1980s, that is, when the climate changed under the impact of the anti-union policies of that decade.

For the past 10 years, employers who wanted to get rid of trade unions have been taking advantage of the anti-union climate—often deliberately forcing their workers to go on strike and then promptly firing them. Some employers have gone so far as to advertise for replacement workers even while negotiations are in progress.

Greyhound is only the latest to launch this vicious assault against organized labor. The labor movement must fight back, using every weapon we have to see to it that anti-scab legislation is passed by the United States Congress. Representative William Clay (D-MO) has introduced a bill (H.R. 3936). that would restore the right to strike, by prohibiting employers from hiring permanent replacements during a labor dispute and from discriminating against striking workers who return to their iobs once the dispute is over.

The Teamsters are 100 percent behind the Greyhound strikers and all other union workers who are threatened with permanent replacements.

We are calling for an all-out political offensive by our brothers and sisters to get this legislation passed—and passed quickly.

Together we can get the big campaign going to move America again—to save American jobs and to fight back. It is long overdue. Let's elect public servants who will serve the public that elects them. Let's activate our memberships to serve our causes that will in the final analysis serve all working men and women and all America.

And as Americans, Teamsters have always been proud to march behind the symbol of our great nation—the American flag—as I did during the recent demonstration in support of the Greyhound strikers. While the courts are deliberating the right to desecrate Old Glory, we in the Teamsters stand ready to salute the Stars and Stripes. I encourage Teamsters everywhere to display the flag on Flag Day, June 14.

Politically and legislatively we will find great strength and a strong voice together. There is nothing we cannot do together. And together we will be heard loud and strong from the Halls of Congress right down Pennsylvania Avenue to the White House. And we will let all politicians, public servants, and unelected bureaucrats know that, together we will not allow them to systematically destroy and dismantle the House of Labor.

Billy McCarthy and the Teamsters are happy to lead the way.

Fraternally,

William J. McCarthy

General President

TEANSTER

DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-C10, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



re-

-out

hers

tion

big

rica

and

due.

will

em.

s to

ing

ica.

ters

rch

reat

is I

tra-

and

de-

ate

ers

and

evon

we

ong

ing to-

ind

ess

nue

vill

its,

OW

OW

nd

m-

General
Executive
Board
WILLIAM J. McCARTHY
Ceneral President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
265 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009
EDWARD LAWSON

Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009
EDWARD LAWSON
Third Vice President
29260 Taylor Rd.
Mt. Lehman, B.C., Canada VOX IVO
ARNIE WEINMEISTER
Fourth Vice President
533 John Street, Room 28
Seattle, Wash. 98109
WALTER SHEA
Fifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President

50 Bagby Drive
Birmingham, Alabama 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif, 90015
T.R. COZZA
Ninth Vice President
625 Stanwis St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
chicago, Illinois 60607
FRANCIS W. HACKETT

Eleventh Vice President
544 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelfth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wyandotte, Michigan 48192
MCK VACCED.

Wyandotte, Michigan 48392

JACK YAGER

Fifteenth Vice President
8801 E. 63rd Street—Suite 208
Kansas City, Missouri 64113

Trustees
BEN LEAL
185 Berry St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

June 1990

Volume 87, No. 6

- 2 General Executive Board Meets Yager appointed as Vice President
- 5 Organizing Overnite Gains Momentum McCarthy updates Central Conference
- 6 Carhaul Division Holds Session
 Delegates confront industry problems
- 8 Newspaper Drivers Convene Annual Meeting Support pledged for N.Y. Daily News workers
- 11 About the Cover . . .

 Teamsters show support for striking Greyhound
 bus drivers
- 13 Teamster Members Have Their Say Opinions expressed to Court Officers
- 14 1989 Financial Report Auditors' Financial Statement
- 20 Report XII to Teamster Members A message from the Independent Administrator

Due to the extraordinary number of pages in this issue which were taken up by Report XII of the Independent Administrator, it was not possible to include news on a number of important Teamster meetings and events. Coverage of these meetings will be included in a future issue of The International Teamster.



2



6



8

The International Teamster has an average monthly circulation of 1.886,230 and an estimated readership of 5.000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamsters*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



GEB Holds Second Quarterly Session



General President William J. McCarthy.

he IBT General Executive Board held its second quarterly meeting of the year April 23–25 in San Diego, California. Organizing and legislation topped the Board's agenda, along with a number of important appointments.

Overnite, UPS Key Agenda Items

In his report to the Board, General President William J. McCarthy reviewed the nationwide organizing campaign that has been launched at Overnite Trucking. "This campaign will take us into every corner of the country and will need the time and attention of every member of this Board," McCarthy said. "Since our last attempt to organize Overnite, the company has been purchased by Union Pacific, and I believe that their employees are looking for union security."

President McCarthy also reported on the progress in negotiations with the United Parcel Service on a new three-year contract. "Talks are on schedule," McCarthy noted, "and we are still looking at a June 7 deadline for agreement on a new pact." The current UPS contract expires at midnight, July 31.

General President McCarthy has



International Vice Presidents Joseph Trerotola (left) and Theodore R. Cozza.



International Trustee Harold J. Yates (left) and International Vice President George Vitale.



(From left): International Vice President Francis W. Hackett, International Trustee Robert DeRusha, and International Vice President R.V. Durham.

been involved in every phase of the negotiations and has pledged to deliver the best possible contract to the 141,000 Teamster members who work for UPS.

Legislative Matters Of Major Concern

McCarthy also reiterated Teamster support for the replacement worker legislation presently before Congress and asked for the Board's assistance in igniting a grass roots Teamster effort to demand Congressional support for the measure.

General Secretary-Treasurer Weldon L. Mathis reported on the financial state of affairs of the Union in his second quarterly re-

port of 1990.

The Board also heard from Dave Sweeney, director of the IBT Department of Legislation, who surveyed the legislative agenda relevant to Teamster concerns. Sweeney reported that the replacement worker legislation, which would restore balance to our labor laws, is picking up steam in Congress. The number of cosponsors of the House bill introduced by Representative William Clay (D-MO) has now reached 103 members, among them very influential members of the House of Representatives.

Sweeney also reviewed the prospects for passage of a number of bills, including intrastate dereg-



International Vice Presidents Edward M. Lawson (left) and Walter J. Shea.

Jack Yager Appointed International Vice President



General President McCarthy (right) installs Jack Yager as the IBT's 15th International Vice president, as Mrs. Yager looks on.

eneral President William J. McCarthy has announced the appointment of longtime Teamster leader Jack Yager to the IBT General Executive Board.

Yager, who was installed as an International Vice President at the General Executive Board's quarterly meeting in San Diego, California, also serves as secretary-treasurer of the Central Conference of Teamsters (CCT).

A member of Local 41 in Kansas City, Missouri, Yager has been the IBT's International Freight Director since 1985. An International representative, he also serves as chairman of the freight division of the Central Conference, and is a member of the CCT's Policy Committee.

Yager started with the Teamsters in 1956 as a member of Local 180, then located in California. In 1960, he joined Kansas City Local 41, and was elected to its Executive Board as trustee from 1963–65.

Durham to Serve As Freight Director

At the San Diego meeting, General President McCarthy also announced that IBT Vice President R.V. Durham will assume the duties of International Freight Director for the Union. Durham, who is president of Teamsters Local 391 in Kernersville, North Carolina, also currently serves as the IBT's Director of Safety and Health.

GEB Meets (continued)

ulation, restructuring of material transportation, and Hatch Act reform.

Finally, Sweeney reported that the House had overwhelmingly passed the Safe Transportation of Solid Wastes Act, which prohibits certain truck, tanker, and rail backhauling practices. Senate consideration of a similar bill will take place later in this session of Congress.

Yager Appointed as International Vice President

The quarterly meeting also saw the General Executive Board confirm the appointment of Jack Yager of Local 41, Kansas City, Missouri, as 15th International Vice President (see box). It was also announced at the meeting that IBT Vice President R.V. Durham will assume the duties of national director of the Teamsters' Freight Division.

In addition, General President McCarthy reported on continuing progress in planning for the next International Convention to be held in Orlando, Florida, in June 1991. The Board approved a resolution to reduce the costs of lodging for those delegates attending the Convention. President McCarthy also advised the Board members that the next meeting of the General Executive Board would be held July 24–26, 1990, in Montreal, Canada.

Finally, the Board received an update on IBT legal affairs from General Counsel James T. Grady.

Contribute to D.R.I.V.E.



(From left): International Trustee Ben Leal, Retiree Department Director Roy E. Herrick, and International Vice President Michael J. Riley.

San Francisco Teamster Named to Arts Commission



San Francisco Local 350 Secretary-Treasurer Bob Morales (right) has been appointed by San Francisco Mayor Art Agnos to the city's new Film and Video Arts Commission. The 11-member commission has the goat of expanding the city's promotional efforts that were started by the Mayor's Film Office to promote film production in San Francisco. Morales also serves as president of the Bay Area Union Labor Party political action group.

aut

tur

cla

are

M

Ce

tio

Ca

Teamsters Launch Nationwide Campaign To Organize Overnite Workers

eneral President William J. McCarthy recently kicked off the Overnite organizing by sending Teamster representatives across the U.S. to pass out union authorization cards among Overnite workers.

Early reports indicate that the campaign is picking up momentum, as Overnite employees in all classifications and in all regions are signing up to join the Teamsters.

McCarthy Updates Central Conference

ick,

Addressing a special campaign strategy meeting held in conjunction with the Central Conference of Teamsters Convention in St. Louis, Missouri, McCarthy updated 150 local leaders and organizers on the progress of the campaign, which he described as a "major priority of the Union."

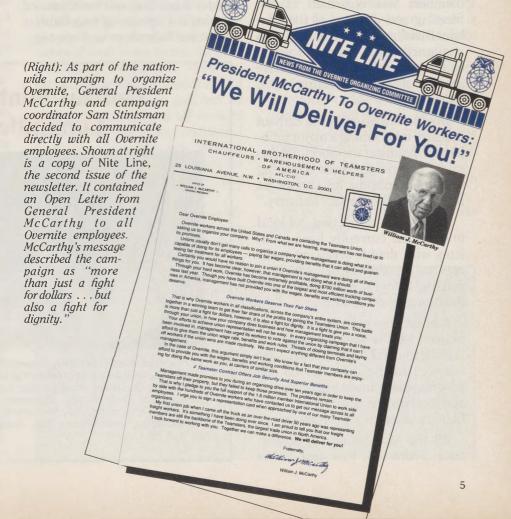
The General President discussed the opportunity of winning the campaign because of the growing number of Overnite workers asking the Teamsters to bring them into the union fold. He stressed, however, that the effort can be successful only if it has the full support and cooperation of all local unions, stewards and rank and file members in meeting the challenges presented by this organizing drive.

Stintsman Vows Quick Response

International Representative Sam Stintsman, whom McCarthy appointed to coordinate the campaign, offered an overview of the issues and the framework of the organizing drive. He urged the organizers to keep in constant contact with his office in the Organizing Department at the International so that his team could respond quickly to issues, as they develop in the field.



General President William J. McCarthy pledged the full resources of the International Union to organize Overnite at a special meeting of Central Conference of Teamsters organizers held during last month's Central Conference Convention in St. Louis, Missouri.



McCarthy Pledges Continued Support:

Teamsters' Carhaul Division On Fast Track to Success



Chairman of the Carhaul Division Ernie Tusino opens up the floor to the delegates in order to give all of them the opportunity to voice the problems and concerns carhaulers face within the Division.

he Teamsters Carhaul Division confronted double-breasting at a recent meeting held in Scottsdale, Arizona, the week of April 23.

Updating the Teamsters Carhaul members was chairman of the meeting and director of the Carhaul Division Ernie Tusino. Tusino announced that Teamsters would be taking on companies that have a record of double-breasting in this industry.

Double-breasting in the carhaul industry is becoming a major problem for Teamster members. Tusino said, "Union employers operating nonunion subsidiaries cannot be tolerated in the carhaul industry."

At this recent meeting, all local unions that currently have problems with double-breasting made reports on this issue, which is pending before the National Labor Relations Board (NLRB).

A guest speaker and active participant at the meeting was Jim Wallington, IBT legal counsel, who reported to the delegates on the progress being made by companies and local unions working with carhaulers throughout the country.

All the local unions in attendance addressed this and other

pressing concerns affecting the industry, and the officers of the locals gave reports on the various confrontations in which their locals are involved.

General President William J. McCarthy is in full support of the approach Teamster locals are taking with respect to employers in the carhaul industry. McCarthy said, "The Carhaulers Division is a vital component of the Teamsters' membership I am confident that this Division, under the leadership of Director Ernie Tusino, is on the fast track to success, with improved working conditions and enhanced benefits for our carhaul members."

When the current carhaul contract expires on June 1, 1991, a major issue that will be discussed during the upcoming negotiations between Teamsters and manage-



At the carhaul meeting held recently, IBT Legal Counsel Jim Wallington gave a progress report on carhaul issues to the delegates in attendance. Also pictured (from left): Chuck Piscitello, ECT representative, and Ernie Tusino, International carhaul director.

ment undoubtedly will be double-breasting.

Among other issues discussed at the meeting were: current cases being heard by the NLRB, back pay awards to local unions through arbitration, and increasing competition from the railroads.

Carhaul Joint Arbitration Committee Meets



The Carhaul Joint Arbitration Committee met recently in Scottsdale, AZ, to present the Union's position before the Joint National Arbitration Committee. (From left): Jim Osmer, employer secretary; R. Dan Hunter, national employer cochairman; Ernie Tusino, Teamsters Carhaul Division director; Chuck Piscitello, Union secretary to the National Committee and Eastern Conference representative; and Charles Lee, business representative for Local 299, Detroit, MI.

Carhaul Agreement Arbitration Leads to \$1.4 Million Win for Detroit Teamsters

fter a year and a half battle, a group of 33 Teamster Local 299, Detroit, Michigan, office workers that were improperly laid off by Commercial Carriers, Inc. (CCI) are celebrating a recent arbitration ruling ordering the company to immediately reinstate them with full back pay and fringe benefits that will total close to \$1.4 million.

Local 299 President Ron Owens declared that this arbitration award, the largest in the history of Local 299, once again demonstrates the power of a union grievance procedure and what it can do to protect the jobs and benefits of Teamster members.

"I have always said that the Teamsters Union has the best grievance procedure of any union in the country, and this CCI victory is proof that Local 299 will do whatever possible, for as long as it takes, to enforce our contracts and stand up for the rights of our members," Owens said. "I also congratulate the CCI office workers for sticking together throughout this long process and for showing the employer, that we were determined to fight on until justice was won."

ick

Local Fights For Strict Enforcement

Local 299 Trustee Charles Lee and Business Agent J.D. Jackson, with assistance from Central Conference Carhaul Division attorney David Uelmen, filed this grievance in December, 1988. Local 299 argued that CCI violated its labor agreement by improperly consolidating work at its Southfield, MI, office, laying off the union workers and transferring the work to CCI's nonunion offices in Bloomfield Hills and Pontiac, MI, and Buffalo, NY.

After being deadlocked at both



(From left): Bobby Rowland and J. D. Jackson, business representatives, Local 299, Detroit, MI; (center): Teamster Local 299 members who work for Commercial Carriers Inc. (CCI); Ron Owens (second from right), president, Local 299; and Charles Lee (far right), trustee, Local 299.

the local and state levels, the grievance was sent to the National Automobile Transporters Grievance Panel in May of 1989. Since the case was also deadlocked at the national level it was sent to binding arbitration. On April 5, 1990, arbitrator John Lyons ruled that CCI violated that national contract by failing to offer the laid-off workers other employment and additional training. The arbitrator ordered the immediate reinstatement of the office workers with full back pay and benefits.

"We used all the resources available to us to keep the pressure on CCI throughout the grievance

process," Lee and Jackson told Local 299 News. "While it took more than a year to win justice for the CCI office workers, the \$1.4 million award shows that the time spent was well worth the effort."

In a certified letter sent to Ryder System, Inc., CCI's parent organization, President Owens gave the company until May 15 to comply with the arbitrator's order. If the company refuses, Owens said Local 299 would have no other choice but to enforce this ruling through "all legal and economic recourse."

At press time, the outcome was still pending.

Scholarship Update

Due to a change in the method of processing and analyzing the Financial Aid Form (FAF), the Teamster Scholarship Program deadline was extended this year to accommodate applicants whose files were already in process.

As a result, final selection was not made till mid-May. To allow the winners time to submit their pictures and updated biographical information, we will not announce the recipients in *The International Teamster* untill the August issue.

Newspaper Drivers Division Convention

Charts New Strategies



Thomas J. McGrath (at podium), director of the Newspaper Drivers Division, addressed the nearly 150 Convention delegates as (from left) Division Secretary Tony Judge, International Vice President Teddy Cozza, and General Counsel James Grady listen.

Newspaper Drivers Division Convention held recently in Phoenix, Arizona, strengthened their ability to serve their members by debating and developing new strategies for collective bargaining and representation of newspaper and print industry workers.

Like most union members across the U.S. and Canada, these workers are facing an increasingly hostile labor relations environment, which too often involves a publisher trying to break the union.

Confronted with this new and dangerous trend, Division Director Thomas J. McGrath presented the following challenge to the delegates at the opening of the Convention: "What we must do at this meeting is draw on the incredible wealth of talent that exists in this hall by involving all of you in building a set of strategies to harness the resources and strength of the entire Teamsters Union in our fight to protect and preserve the benefits and conditions enjoyed by our members."

One entire day of the three-day meeting was devoted to an innovative program where the convention delegates were split into the two major sectors of the Division—the newspaper drivers and the mailers. They then separated into smaller work groups that were asked to develop specific plans for dealing with the various issues affecting their members. Led by Art Kane, director of the IBT's Education Department, the delegates used the opportunity to engage in an honest, intensive discussion of the problems and concerns of the industry's union work force.

Concerns about subcontracting, undermanning, jurisdiction, safety, and lack of sufficient training were the issues raised most often by the delegates. Solutions focused on the need to improve communication between Teamster locals, possibly through regional meetings and greater utilization of union publications. Another important goal developed by the delegates is to overcome apathy and strengthen Teamster unity by activating Union stewards across the country, getting them more involved in the affairs of the locals.

Organizing: A Key Goal

Several key suggestions from the delegates involved organizing nonunion workers in the industry and developing stronger cooperative ties with other unions representing newspaper and print industry employees.

The need to organize new members in the nonunion mailing shops and at unorganized newspapers was discussed at length. McGrath thanked the delegates for their continuing efforts in this regard, praising them for making the Newspaper Drivers Division the fastest growing sector of the Union.

He specifically congratulated Ralph Goscinak, secretary-treasurer of Local 259 in South Boston, Massachusetts, for the local's recent successful organizing drive for employees of the *Quincy Patriot-Ledger*. McGrath also congratulated International Vice President Michael J. Riley, secretary-treasurer of Local 986 in Los Angeles, California, for successfully organizing and negotiating a first contract for the production work-



Newspaper Drivers Division delegates broke into small groups to debate strategic approaches to confronting challenges presented to union members in the newspaper and print industries.

ers at *La Opinion*, the leading Spanish language daily newspaper in the U.S.

McGrath also updated the delegates on the Division's continuing involvement with the Newspaper Industry Coordinating Committee, an adjunct of the AFL-CIO's Industrial Union Department, which oversees programs designed to develop tighter cooperation among the various unions representing newspaper industry employees. The director serves on the Committee with Tony Judge, secretary of the Division and secretary-treasurer of Local 706, which represents newspaper workers in Chicago, Illinois.

m

ry

as h

d,

ie

e

:d

Speakers Address Convention

The Newspaper Drivers Division delegates were addressed by several important speakers. Teamster General Counsel James T. Grady addressed the convention concerning the government's RICO suit against the union and the Independent Administrators' handling



Sam McKnight, a labor attorney from Detroit, MI, advised the delegates on how to effectively apply pressure to management, without striking, during contract negotiations.

"Your Fight Is Our Fight" Teamsters Tell *Daily News* Workers



Reporters covering the important round of labor negotiations between a union-busting attorney representing the publisher of The New York Daily News and its workers question Jack Kennedy (top left), president of the pressmen's local at the paper, and Mike Alvino, (top center), president of the mailers and drivers unit, about the Teamsters' pledge of support. Newspaper Drivers Division Director Tom McGrath is seated, top right.

eneral President William J. McCarthy recently announced that the Teamsters will support a coalition of labor unions in New York City that is attempting to negotiate a fair contract with a notorious, union-busting law firm representing the publisher of the *New York Daily News*.

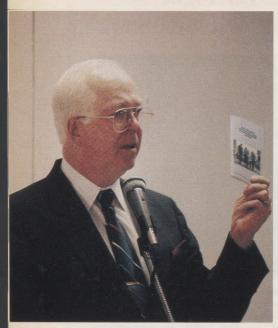
The "Allied," the coalition of ten unions representing workers at the newspaper, has been negotiating with lawyers for the Chicago-based Tribune Company. The publisher recently made some illusory movement in negotiations with two of the unions by offering deceptive wage increases. These increases are tied to a regressive management rights clause designed to severely weaken the value of a union contract by giving the employer total discretion on hours worked, assignments, and layoffs.

Mike Alvino, president of the independent Newspaper Mail Delivery's Union, was warmly received at the recent Convention of the Teamsters Newspaper Drivers Division, where he spoke about how the publisher is refusing to bargain in good faith with its workers. At the Convention the delegates also welcomed Jack Kennedy, president of the Graphic Communications International Union local representing pressmen at the *Daily News*. Both men asked the Teamsters Union to support the Allied's efforts to win a fair contract.

Following their remarks, the delegates unanimously passed a resolution advising General President McCarthy and the Teamsters General Executive Board that "the unions at the *New York Daily News* are especially deserving of the support that only the Teamsters Union can provide."

The General President released a statement shortly after the meeting expressing grave concern over the use of a professional union-busting law firm and the presence of hired strikebreakers in the New York City area. He said, "We stand in unity and will support all of the union workers at the *Daily News*."

Newspaper Drivers (continued)



IBT General Counsel Jim Grady updated Division delegates on issues involving the government's RICO suit against the Union, and on the activities of the Independent Administrators.

of the consent decree settlement of the case.

Grady noted that although the Independent Administrators have been reviewing expenditures made by the IBT for over one year, "They have not found one single item that they could veto as improper, illegal or tainted in any way."

Sam McKnight, a labor attorney in Detroit, Michigan, advised the delegates on possible ways of applying pressure to an employer in situations where resorting to a strike is not a viable option. McKnight's address, titled "Strike Alternatives for the '90s," offered an enlightening checklist of ideas and methods to weaken an employer. The checklist can be utilized in situations where an employer attempts to goad a union into a strike.

Tim Scully, a representative of the IBT's Legislative Department, spoke to the Convention about the need to contribute to DRIVE, the Teamsters' political action committee, and on the status of several pieces of labor legislation currently being considered by Congress. Scully asked the delegates to organize grass roots support for a bill recently introduced in the House of Representatives by Congressman William Clay (D-MO) that would ban the permanent replacement of union strikers by scabs.

On the final day of the Convention, the delegates heard a stirring speech by Mike Alvino, president of the independent Newspaper Mail Delivery's Union of New York City, concerning negotiations in which his union, and the other unions at the New York Daily News, are involved. A notorious union-busting law firm is representing the publisher. [See separate article for details.] The delegates also warmly received Jack Kennedy, president of the pressmen's unit at the newspaper, which is affiliated with the Graphic Communications International Union.

Following their remarks, the Teamster delegates unanimously passed a resolution urging General President McCarthy to support the *Daily News* workers in their struggle for a fair contract. The General President subsequently released a strong statement publicly backing the workers.

In his closing remarks to the Convention, McGrath thanked the delegates for their commitment to making the Division such a formidable power for workers in the newspaper and print industries. Director McGrath also praised the involvement of Tony Judge in making the Division's efforts a success, and thanked International Vice President Teddy Cozza for effectively representing the interests of the Division with his colleagues on the Teamsters' General Executive Board.

PG

Local 639 Driver Wins Championship



Doyle Martin (right), a 15-year veteran driver at Safeway Stores and a longtime member of Local 639, Washington, D.C., has been named the 1989 national champion in the four-axle Roadeo competition. Martin, pictured above with Local 639 President Phil Feaster (left), won his division at the national championship competition last summer in Memphis, TN, after winning at the state and local levels earlier in the year. A native Oklahoman, Martin has been driving a truck for nearly 25 years. He has been a four-time state driving champion, and has competed four times in the National Roadeo competition.

Teamster Hero Saves Life

ie

al

g

e

5.

John Anderson, a member of Teamsters Local 301, Waukegan, Illinois, who works for the Lake County division of Transportation, this past winter saved the life of a man who was pinned beneath the undercarriage of a garbage truck.

In December, 1989, Anderson was driving a snowplow in subzero weather on his daily route. He passed by Don Fenner, a driver for Grayslake Towing Company, as Fenner was getting out of his truck. Fenner had stopped his truck on Kilbourne Road, near Route 173, to fix the disabled trash truck he had been towing.

Rapid Response Was Critical

While repairing the garbage truck, Fenner accidentally got his clothing entangled in the drive shaft. He was pinned against the undercarriage of the truck, injuring his torso and neck.

Anderson happened to drive by the parked truck once again. Noticing there was a problem, he got out of his plow and went over to see if everything was all right. At that moment Anderson immediately started to act. He shut off the running engine of the garbage truck, called an ambulance, and got Fenner's knife to cut the entangled clothing free.

Driver Sustains Serious Injury

The doctors who operated on Fenner said that a few minutes made the difference between life and death. Fenner, they said, had severed a major artery and "would have bled to death" without Anderson's immediate attention.

"A Teamster member such as John Anderson is an example for all to follow," said General President William J. McCarthy. "I am honored to call him 'brother.'"

About the Cover . . .



General President William J. McCarthy (front row, far right) and International Vice President R.V. Durham (front row, second from left) were among those leading the march of more than 800 Teamsters from the Central Conference demonstrating recently in support of striking Greyhound bus drivers.

hether or not Greyhound likes to admit it, the strike by Greyhound drivers is still a strike, and continues into its third month. Their nationwide strike received a major boost, when 800 Teamsters, led by Teamsters General President William J. McCarthy, marched on May 11th on the downtown St. Louis, Missouri, Greyhound bus terminal.

The spontaneous show of solidarity erupted when a striking driver addressed the Convention of the Central Conference of Teamsters. His remarks stirred old-time trade union and Teamster passions, and McCarthy led the delegates out of the convention hall and to the bus terminal. He and others were carrying the American flag and the Teamsters flag. No one doubts that Greyhound management got the message, and the strikers hope the Teamsters' support will lead to triumph over Greyhound and its union-busting tactics.

Additionally, the delegates raised a total of \$4000 for the strikers' defense fund, and the Teamsters International contributed another \$5000. (Full coverage of the Central Conference meeting in St. Louis will appear in the July, 1990, issue of *The International Teamster.*)

Yellow Freight to Phase Out Diesel Forklifts

Pellow Freight, the largest employer in the freight trucking industry, will not buy any more diesel-powered forklifts. This commitment has been confirmed in a letter to International Vice President and Safety and Health Director R. V. Durham from Robert W. Dro, Vice President, Maintenance, for Yellow Freight System, Inc.

In his letter to Durham, Dro stated, "... from a purely economic standpoint, diesel is the only way to go. But, we want to be realistic. We aren't talking just about economic analysis and dollars and cents. We are talking about our employees' health and their perceptions of what may cause health problems. Therefore, we will commence purchasing only propane forklifts with our next forklift order which should be in the fall of this year."

Exhaust from Diesels A Major Health Concern

Exhaust from diesel forklifts has been a major health concern among dockworkers in the trucking industry ever since diesel forklifts began to appear in large numbers in the mid-1980s. In response to these concerns, special provisions were negotiated into the National Master Freight Agreement in 1988 to help minimize workers' exposure to diesel forklift exhaust.

At the same time, that Agreement established a special subcommittee of the National Master Freight Safety and Health Committee to work with forklift manufacturers and government representatives on ways to solve this problem.

This subcommittee has met several times. Through these meetings, it became clear that the fork-lift manufacturers had little to offer

OSHA Tells Diesel Fuel Makers To Give Cancer Warnings

Administration (OSHA) told diesel fuel manufacturers that they must include information about potential cancer risk on Material Safety Data Sheets they give to their customers. This is in addition to health hazard information on respiratory tract irritation and reversible lung effects of diesel exhaust, which should also be noted on the Material Safety Data Sheets.

Wherever workers are exposed to toxic substances—such as diesel exhaust—the employer is required by OSHA to have Material Safety Data Sheets on hand for the workers to look at, in their work area, during their normal shift. The workers are also supposed to receive special training about the health and safety hazards of these chemicals.

in terms of ways to make the diesel forklifts less polluting.

In recent months, Yellow Freight and the National Institute for Occupational Safety and Health (NIOSH) collaborated on a project to compare air pollution from diesel forklifts with that from propane-powered fork lifts. The Teamsters Union cooperated with this project.

The experiment was conducted earlier this year at Yellow's Columbus, Ohio, terminal. Teamster Local 413, Columbus, members played a major part in this study by wearing monitoring devices and completing questionnaires about the health symptoms they experienced while different types of forklifts were in use on the dock.

NIOSH, the Federal Government's occupational health research agency, has not yet reported their findings to the company and the Teamsters. Yellow has indicated that it may return to diesel forklifts if NIOSH concludes that

diesel can be made as safe as propane.

But, as Dro wrote to Vice President Durham, "Assuming that NIOSH ultimately concludes that propane is safer than diesel, we will continue converting to propane and significantly accelerate the process to ensure that within five years from the time NIOSH rules on the issue, we will complete our systemwide conversion to propane."

Vice President Durham hailed the Yellow Freight commitment as "a triumph for the idea that our members' health is more important than profit." He pointed out that this is part of a trend in the trucking industy. Preston Trucking indicated several months ago that it does not plan to buy any more diesel forklifts. Roadway Express has been eliminating them on terminal-by-terminal basis. Carolina Freight, another important Teamster employer, never did jump on the diesel forklift bandwagon.

Teamster Members Tell Court Officers:

"Don't Destroy Our Union"

he International Teamster magazine has received copies of the following letters, recently sent by Teamster members to Judge David N. Edelstein and to Independent Administrator Frederick B. Lacey.

The full text of these letters is reprinted here. Similar comments and concerns can be addressed to the court appointed officers and Judge Edelstein.

April 16, 1990

Mr. Frederick B. Lacey, Esq. LeBOEUF, LAMB, LEIBY & MacRAE 520 Madison Avenue, 30th Floor New York, NY 10022

Dear Mr. Lacey:

Over the last several months, I have watched as you have washed everyone's dirty laundry in full public view, in our International Magazine.

It seems to me that you have overlooked one thing that may doom us all, including the process designed to 'educate our members.' This magazine is commonly distributed to many others, INCLUDING THOSE WHO WE MAY BE ORGANIZING!

We are now starting to see back issues of the magazine appear in the hands of the Labor Consultants, who eagerly furnish this cannon fodder to employers to use against us in NLRB election campaigns. While the IBT 'founding fathers' didn't create the magazine to be used for political purposes by International officeholders, neither did they create it to be used against us as an un-organizing tool, which is exactly what is happening!

I strongly urge that you speak with the Court about this aspect of continuing the disclosure of litigatory matters in the magazine. Surely there are other ways to dispense important information to interested members other than to allow the 'baby to be thrown out with the bathwater.'

Please don't destroy our International Union in your zeal to carry out the questionable orders of the Court.

MARIO GULLO

MARIO GULLO Secretary-Treasurer [Local 287, San Jose, CA] April 27, 1990

To The Honorable David N. Edelstein

Dear Sir,

I am compelled to write to you to voice my dissatisfaction with the way you and your court appointed trustees are spending Teamster funds. It is unconscionable that you would allow these trustees and their assistants to take such outrageous salaries (larger than our elected officials, I might add) at the expense of working people. We have elected officials to do the very job your trustees were appointed to do. It is governmental bureaucracy at its best—the working guy gets to pay for a duplication of services.

In addition, we Teamsters were at least allowed to vote directly or indirectly for our leaders. You, however, chose these trustees for us without consulting the membership. This membership would have just as well been served if retired Judges and/or retired lawyers were appointed trustees. These appointees could have taken a small honorarium instead of huge salaries. They could have enlisted the aid of Teamster members to be their assistants. No one should have been allowed to "make a killing" under the guise of cleaning up this union.

Everyone wants to rid the Teamster union of any corruption that may exist. We members all have stake in this. If there is corruption in this union, we have only ourselves to blame, as we allowed it to happen. Since we appear unable to help ourselves, the government in its infinite wisdom has decided to do it for us. Maybe you can explain the difference to me between the questionable use of Teamster funds by its elected officials and the questionable use of Teamster funds by appointed officials. They both seem self serving to me. I would rather see that money used to fight union busters or greedy and unfair management.

I'm sure I'm not the only Teamster that feels this way. I would ask that you would please take steps now to stop the waste of our money. Please stop the duplication of services. Please stop the obscene salaries and expenses by the trustees. Please allow the membership of this union to have more of a say in their future. I fear failure on your part to stop this financial abuse will bankrupt this union.

Respectfully your,

Margaret Ann Feis

Margaret Ann Feis Local 858 [New York, New York]

S

Financial Report 1989



900 Seventeenth Street, N.W. Washington, D.C. 20006 202/331-9880 202/331-9890 FAX

Members of the American Institute of Certified Public Accountants

AS

Ca

Ce

Re In Ac

Pr

In

0

T

L

REPORT OF INDEPENDENT AUDITORS

International Brotherhood of Teamsters, Chauffeurs, Washington, D.C.

We have audited the accompanying consolidated balance sheet of the of America and Subsidiaries as of December 31, 1989 and the related of cash flows for the year then ended. These financial statements are the ended of express an opinion on these financial statements are the stat

We conducted our audit in accordance with generally accepted audit to obtain reasonable assurance about whether the financial statements basis, evidence supporting the amounts and disclosures examining, on a test and significant estimates made by management, as well as evaluating the areasonable basis for our opinion. We believe that our audit provides

In our opinion, the financial statements referred to above present International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Subsidiaries as of December 31, 1989, and the consolidated conformity with generally accepted accounting principles.

- 1 -

Thomas Havey & Co.

March 26, 1990, except for Note 5, as to which the date is May 9, 1990

TEAMSTER

Consolidated Balance Sheet December 31, 1989

ASSETS			
	General Fund	Defense Fund	Total
- A description operated a distant			
Cash in checking and savings accounts Certificates of deposit Receivables Inventories Accrued income	\$ 1,527,487 20,000,000 1,101,278 814,344 1,687,415	\$ 363,528 5,000,000 — — 1,093,577	\$ 1,891,015 25,000,000 1,101,278 814,344 2,780,992
Prepaid expenses	224,788	_	224,788
Investments (Note 1b)	62,734,507	77,175,673	139,910,180
Fixed assets—(at cost, less \$33,317,167			
accumulated depreciation) (Note 3)	20,519,192	_	20,519,192
Other assets	2,540,963	_	2,540,963
Total assets	\$111,149,974	\$83,632,778	\$194,782,752
LIABILITIES AND FUND BALANCES			
A STATE OF THE PARTY OF THE PAR			
Liabilities:	¢ 0.470.400	ф	¢ 0.470.400
Accounts payable	\$ 2,473,483 2,009,402	\$ <u> </u>	\$ 2,473,483 2,009,402
Total liabilities	4,482,885	_	4,482,885
REAL TONICS IN STREET		Part Indian	
Fund balances—Exhibit "B": Defense Fund	1215	83,632,778	83,632,778
Appropriated for Public Employees' Assistance Fund	413,849		413,849
Unappropriated	106,253,240		_106,253,240
Total fund balances	106,667,089	83,632,778	190,299,867
To the town	4111 110 0	400 000 ===	4101 = 22 = =2
Total liabilities and fund balances	\$111,149,974	\$83,632,778	\$194,782,752

See accompanying notes to financial statements, following Exhibit "C".

Consolidated Statement of Income, Expenses and Changes in Fund Balances Year Ended December 31, 1989

	General Fund	Defense Fund	Total
Income:			
Fees:			
Per capita	\$ 72,294,917	\$ 586,026	\$ 72,880,943
Initiations ,	734,375	napa - nab	734,375
Investment income	6,896,266	7,556,983	14,453,249
Sales of supplies	480,317	<u> </u>	480,317
Other	33,872	69,676	103,548
Total income	80,439,747	8,212,685	88,652,432
Expenses and benefits:			
Out-of-work benefits		4,314,920	4,314,920
Teamster Affiliates Pension Plan (Note 4)	12,000,000		12,000,000
Officers and employees retirement plans (Note 5)	178,060	Sansa II III M	178,060
Affiliation fees	6,393,183	_	6,393,183
Organizing campaign expenses	5,343,459	_	5,343,459
Administrative, office and general	22,472,529		22,472,529
Magazine—"International Teamster"	6,089,244	_	6,089,244
Legislative and political education	2,252,975	_	2,252,975
Communications	1,355,527		1,355,527
Legal fees, expenses and related costs	1,638,914		1,638,914
Civil RICO expenses	6,212,855	MARKETTON O	6,212,855
Judgments, suits and settlements	309,500	_	309,500
Divisional and departmental	16,826,586	<u></u> 1	16,826,586
National headquarters building	4,115,078		4,115,078
Supplies for resale	424,140	rate of the same	424,140
Other	366,624		366,624
Total expenses and benefits	85,978,674	4,314,920	90,293,594
Excess (deficiency) of income over expenses			
and benefits	(5,538,927)	3,897,765	(1,641,162)
Transfers (Note 7)	34,057,322	(34,057,322)	
Fund balances:			
At January 1, 1989	78,148,694	_113,792,335	191,941,029
At December 31, 1989	\$ 106,667,089	\$ 83,632,778	\$ 190,299,867

See accompanying notes to financial statements, following Exhibit "C".

Consolidated Statement of Cash Flows Year Ended December 31, 1989

	General Fund	Defense Fund	Total
Cash flows from operating activities: Cash received from:			
Affiliated conferences, councils and local unions Investment income Others	\$ 74,653,404 5,534,533 545,117	\$ 637,736 8,009,011 ———	\$ 75,291,140 13,543,544 545,117
Cash provided by operating activities	80,733,054	8,646,747	89,379,801
Cash paid to: Service providers, suppliers, vendors and others Salaries, benefits and related expenses Teamster Affiliates Pension Plan	(37,326,285) (21,802,616) (24,000,000)	(80,999)	(37,407,284) (21,802,616) (24,000,000)
Members for out-of-work benefits	(5,993,900) (6,418,900)	(4,366,630) — —	(4,366,630) (5,993,900) (6,418,900)
Cash used for operating activities	(95,541,701)	(4,447,629)	(99,989,330)
Net cash provided by (used for) operating activities	(14,808,647)	4,199,118	(10,609,529)
Cash flows from investing activities: Proceeds from disposition of fixed assets Purchases of fixed assets Purchases of investments Proceeds from sale or redemption of investments Purchases of certificates of deposit Redemption of certificates of deposit Loans to affiliates Repayment of loans to affiliates Transfers (Note 7) Net cash provided by (used for) investing activities	5,028 (839,651) (1,319,567) 14,646,347 (13,000,000) 11,000,000 (800,000) 442,832 5,106,335 15,241,324	7,234,802) 10,277,137 (8,000,000) 6,000,000 (5,106,335) (4,064,000)	5,028 (839,651) (8,554,369) 24,923,484 (21,000,000) 17,000,000 (800,000) 442,832 ————————————————————————————————————
Effect of exchange rate changes on cash	(376,758)	(16,921)	(393,679)
Net increase in cash	55,919	118,197	174,116
Cash at January 1, 1989	1,471,568	245,331	1,716,899
Cash at December 31, 1989	\$ 1,527,487	\$ 363,528	\$ 1,891,015

See accompanying notes to financial statements, following Exhibit "C".

Notes to Consolidated Financial Statements December 31, 1989

Note 1. Summary of Significant Accounting Policies

- a. Method of Accounting—Assets, liabilities, income and expenses are recognized on the accrual basis of accounting with the exception of per capita, initiation fees, and out-of-work benefits which are recognized on the cash basis of accounting.
- b. Investments-Securities are carried at cost and adjusted for amortization of premiums and discount, notes and mortgages receivable from affiliates are carried at unpaid principal and insurance company contracts are carried at contract value. The General Fund investments consist of marketable securities of \$38,720,020, short-term cash investments of \$8,625,685 and notes and mortgages receivable from affiliates of \$15,388,802. The aggregate market value of the General Fund securities and the principal balances of investment receivables is \$62,704,451. The Defense Fund investments consist of marketable securities of \$56,163,220, short-term cash investments of \$7,084,194 and insurance company contracts of \$13,928,259. The aggregate market value for the Defense Fund investments is \$75,111,225.
- c. Depreciation—Land, building, improvements and equipment are carried at cost. Major additions are capitalized while replacements, maintenance and repairs which do not improve or extend the lives of the respective assets are expensed currently. Depreciation is computed over the estimated useful lives of the related assets by the straight-line method.
- d. Basis of Consolidation—The consolidated financial statements include the accounts of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and its subsidiaries, the Teamsters' National Headquarters Building Corporation, Teamsters International, Inc. and a financially inter-related organization, the Teamster Retiree Housing Corp. All inter-organization accounts and transactions have been eliminated.
- e. Cash and Cash Equivalents—For purposes of the statement of cash flows, cash is considered as amounts in demand deposit bank accounts subject to immediate withdrawal. Certificates of deposit and other highly liquid short-term cash investments are considered to be investments, rather than cash equivalents.

Note 2. Tax Status

The Internal Revenue Service has advised that the International qualifies under Section 501(c)(5) of

the Internal Revenue Code and is, therefore, not subject to tax under present income tax laws.

Note 3. Fixed Assets

At December 31, 1989, fixed assets consisted of:

Land at headquarters building	\$ 794,117
Headquarters building	12,202,499
Other fixed assets	40,839,743
	53,836,359
Less: Accumulated depreciation	(33,317,167)
	\$20,519,192

Depreciation expense for the year ended December 31, 1989 totaled \$5,086,724.

Note 4. Teamster Affiliates Pension Plan

The Teamster Affiliates Pension Plan was established pursuant to a resolution at the 1961 International Convention and provides defined benefits to eligible officers and employees of the International's Affiliates. Contributions to the Plan are based on the advice of consulting actuaries and are made by the Affiliates as part of the per capita tax paid to the International. The amount contributed for the year ended December 31, 1989 was \$12,000,000.

Note 5. Officers and Employees Retirement Plans

The International has two defined benefit pension plans that cover the employees of the International and the Building Corporation (a wholly owned subsidiary). The benefits are based on years of service, compensation and initial employment date. The International pays the full cost of the Plans and annually, based on the advice of consulting actuaries, determines the amount, if any, to contribute to the Family Plan. The Equity Plan is not funded and benefits are paid by the International. No Family Plan contributions were required or paid for the year ended December 31, 1989.

	Family Plan	Equity Plan	
Net periodic pension cost for the year ended December 31, 1989 is as follows: Service cost—benefits earned during the period Interest cost on projected benefit obliga-	\$ 3,398,896	\$ 97,493	
tion	4,586,991	258,465	
Actual return on plan assets Net amortization and deferral	(11,446,896) 3,086,326	196,785	
Net periodic pension cost (income)	\$(374,683)	\$ 552,743	

(Continued on next page)

Notes to Consolidated Financial Statements December 31, 1989

(continued)

Note 5. Officers and Employees Retirement Plans (continued)

	Family Plan	Equity Plan
The Plans' funded status at December 31, 1989 and the prepaid and accrued pension costs at December 31, 1989 are as follows: Actuarial present value of benefit obligation:	g-64 n.m bo orași 87 mm	ni saints. Indiais Ina viena
Vested benefits	\$ 47,026,724	\$ 1,901,974
Non-vested benefits	618,069	
Accumulated benefit obligation	47,644,793	1,901,974
Effect of anticipated future salary in- creases and other events	13,095,775	1,036,648
Projected benefit obligation for serv- ice rendered to December 31, 1989 Plan net assets at fair value, primarily	60,740,568	2,938,622
U.S. Treasury securities, listed stocks and real estate trusts	89,369,674	10011111111
Excess (deficiency) of Plan assets over the projected benefit obligation—funded		
status	28,629,106	(2,938,622)
Unrecognized initial net obligation (asset)	(23,140,742)	2,361,417
Unrecognized net loss (gain)	(5,131,159)	(19,228)
Unrecognized prior service cost	599,500	100 -
Adjustment for additional minimum lia- bility		(1,305,541)
Prepaid (accrued) pension cost at December 31, 1989	\$ 956,705	\$(1,901,974)

The discount rate used in determining the actuarial present value of the projected benefit obligation was 8 percent, a decrease from the 8.5 percent used in 1988. The expected long-term rate of return on plan assets was 8 percent and the assumed rate of increase in compensation levels was 6 percent. The assumed rate of increase in the Internal Revenue Code Section 415 limit was 4.5 percent.

Note 6. Contingent Liabilities

The International Union has been named as a defendant in certain legal actions and intends to rigorously defend itself against all pending litigation.

In one of these cases the jury returned a decision of joint and severable liability against the International Union and one of its affiliated locals in the United States District Court for the Northern District of California. A trial is scheduled during 1990 to decide damages that could range from \$150,000 to \$1,700,000 plus reasonable attorney's fees. The International Union intends to appeal the jury decision.

In another case in the Superior Court of Pennsylvania a judgment had been entered against the International Union and one of its affiliated locals with joint and severable liability for \$51,754 and against the International Union for \$250,000. This matter is still on appeal.

Note 7. Transfer of Assets Between Funds

During April 1989, the General Executive Board approved a maximum Defense Fund of \$85,000,000. This action resulted in a transfer to the General Fund of \$34,057,322, consisting of cash of \$5,106,335 and investments of \$28,950,987.

Note 8. Cash Flow Data

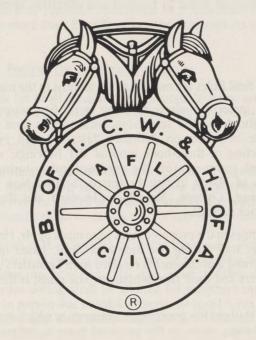
The reconciliation of excess (deficiency) of income over expenses and benefits to net cash provided by operating activities is:

	General Fund	Defense Fund	Total
Excess (deficiency) of income over expenses and benefits— Exhibit "B" Noncash charges (credits) in- cluded in income:	\$(5,538,927)	\$ 3,897,765	\$(1,641,162)
Depreciation and amortiza-	4,881,682	(44,218)	4,837,464
Accelerated disposition of fixed assets Other items Changes in accruals of operat-	13,161 (475,530)	(112,568)	13,161 (588,098)
ing assets and liabilities: Receivables and accrued income Accounts payable and ac-	(152,788)	458,139	305,351
crued expenses Inventories, prepaid expenses, and other assets	(11,451,833)		(11,451,833)
Net cash provided by (used for) operating activities	\$(14,808,647)	\$ 4,199,118	\$(10,609,529)

Supplemental disclosure of non-cash investing activities:

During 1989, \$16,000,000 of certificates of deposit and \$12,950,987 of investments were transferred from the Defense Fund to the General Fund in accordance with Note 7.

Accrued interest of \$1,058,756 was added to the principal balance of an unsecured note receivable from an affiliate.



Report XII to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

On April 27, 1990, Election Officer Michael Holland distributed thousands of copies of the "Rules for the IBT International Union Delegate and Officer Election" to IBT General Executive Board Members, all IBT subordinate entities, rank-and-file members and counsel. What follows in this Report XII is a summary of those Rules. Any IBT member or his/her representative can obtain a full and complete copy of the Rules by writing or calling the Office of the Election Officer, c/o International Brotherhood of Teamsters, 25 Louisiana Avenue N.W., Washington, D.C. 20001. The telephone number in the Election Office is 202/624-8778 or toll-free 1-800/828-6496.

Additionally, starting on June 15, 1990, Mr. Holland and the Election Office staff will be conducting a series of training and education seminars on the Rules throughout the United States and Canada. The seminars will be held in 21 cities, each one extending over a two-day period. Throughout these seminars, Mr. Holland and the staff will explain the Rules and answer questions concerning them. During each Friday and Monday session, particular attention will be paid to the preparation of Local Union plans; each Saturday and Sunday session will focus on delegate and officer campaigning and candidates' rights and responsibilities. Like the hearings on the proposed election rules, the training and education seminars will be open to all IBT members and their designated representatives.

Following this report is a box listing the dates, times and locations of the 21 training and education seminars.

The final Rules are more than six months in the making.

The proposed election rules were first circulated throughout the IBT leadership, local unions, and rank-and-file members on February 21st; followed by the conducting of three-hour internal IBT hearings, which solicited comments on the proposed rules during the month of March in San Francisco, Seattle, New York, Baltimore, Chicago, Memphis, Cleveland and Toronto (Ontario), Canada.

Changes in the proposed rules were made by Mr. Holland and his staff during the month of April, based on the written and oral comments received from Teamsters union members and their representatives. The result is the final Rules.

Mr. Holland has prepared a Commentary which explains the changes made to the proposed rules as reflected in the final Rules—as well as Mr. Holland's comments as to why certain rules were not changed in the final version. This Commentary is available upon request to the Election Office in Washington.

Published in a 94-page booklet, the Rules comprehensively address 13 distinct elements for the proper conduct of local union elections of convention delegates—for the IBT nominating convention to be conducted in June of 1991 in Orlando, Florida—and the election in December, 1991, of the top 18 IBT International Officers.

The Rules provide significant access for candidates to the IBT membership and to crucial information and campaign resources. The access assured by the Election Rules ranges from access for all accredited candidates on five separate and equal occasions to the *International Teamster* magazine to information on all collective bargaining agreements or worksite lists.

The Rules come predominantly from the existing Teamsters Constitution—but they also reflect the key elements of the Consent Order agreed to by the Teamsters Union leadership and the U.S. Government more than a year ago; judicial rulings in the wake of that Order; the Landrum-Griffin Act, case law, and administrative rulings. In assembling the Rules, Mr. Holland carefully examined the 1981 and 1986 IBT Convention proceedings and rules.

In structuring the first secret-ballot rank-and-file election of its International Officers in the history of the Teamsters Union, these rules feature the following new elements:

- direct, secret-ballot election of all nominating convention delegates;
- the right for all IBT candidates to inspect all collective bargaining agreements (or to receive local union worksite lists) and to receive lists of certified convention delegates;
- limitations on IBT meeting attendance requirements for candidates wishing to run for delegate or officer;
- guidelines for candidate slates, slate voting and absentee balloting; and
- a prohibition of contributions to candidates from employers, foundations, trusts or similar entities.

The new Rules also require the leaders of each of the nearly 650 Teamsters Local Unions to prepare formal plans for how they will be conducting their individual elections for convention delegates—some of these elections are to be conducted as soon as late 1990—and to submit these plans to the Election Officer and his staff for approval before the election can be conducted.

After Mr. Holland reviews and approves each plan, the IBT Local Union may then implement the plan, subject to the continuing supervision of the Election Office. These rules further provide that in the event that there is no Local Union plan submitted in a timely manner (or where the Local Union otherwise acts in a manner contrary to

the Rules), Mr. Holland will exercise the authority to administer and conduct all phases of the delegate and International Officer nominations and elections.

At the end of April I filed my tenth Application before Judge Edelstein. That Application asked Judge Edelstein to approve and direct compliance with the Rules.

to:

on.

ion

en-

uct

the

of

er,

to

nd

on

on

al

ar-

m-

nts

on

ar

he

ed

es.

he

W

n-

ve

on

n-

Y:

m

10

15

e

0

II

SUMMARY OF THE RULES FOR THE IBT INTERNATIONAL UNION DELEGATE AND OFFICER ELECTION

ARTICLE I—Role and Authority of the Election Officer.

The Election Rules are promulgated pursuant to the authority granted the Election Officer to supervise all phases of the delegate and International Officer election process. Under these Rules, and in accordance with its approved Local Union Plan, and subject to the supervision of the Election Officer, the Local Union shall administer and conduct the delegate nominations and elections for the 1991 IBT Convention and the subsequent International Officer elections. Where a Local Union fails or refuses to timely submit a Local Union Plan sufficient to enable approval by the Election Officer or otherwise acts contrary to these Rules, the Election Officer retains and will exercise the authority to administer and conduct any and all phases of the delegate and/or International Officer nomination and election process.

ARTICLE II—Rules for the Conduct of Delegate Nominations and Elections.

1. Duty and Authority of the Local Union.

All Local Unions shall conduct nominations and elections for delegates and alternate delegates to the 1991 IBT International Convention either in the fall of 1990 or in the winter of 1990–1991.

On or about June 1, 1990, the Election Officer shall notify each Local Union of the number of delegates to be elected by the membership of such Local Union.

Each Local shall abide by these Rules when administering and conducting delegate and International Officer nominations and elections.

Depending upon the number of delegates to be elected, the Local Union shall elect a minimum of between one and four alternate delegates.

2. Local Union Plan.

Each Local Union shall submit a proposed Local Union Plan for approval by the Election Officer.

For Local Unions entitled and proposing to nominate

and elect their Convention delegates during the fall of 1990 (i.e. those Locals scheduled to hold their elections for Local Union officers in the fall of 1990), the proposed Local Union Plan shall be submitted to the Election Officer on or before June 30, 1990. A Local Union that does not so submit a proposed Local Union Plan by the above date shall not be entitled to nominate and elect Convention delegates during the fall of 1990 and shall be required to conduct such delegate nomination and election during the winter of 1990–1991.

All other Local Unions shall submit a proposed Local Union Plan to the Election Officer on or before September 30, 1990. A Local Union that does not timely submit a proposed Local Union Plan shall have its nominations and elections conducted by the Election Officer.

The Local Union Plan shall set forth in detail the dates, times, places and methodology for the conduct of the IBT International Convention delegate and alternate delegate nomination and election process.

A summary of all approved Local Union Plans shall be posted on all Local Union bulletin boards. Copies of approved Plans shall be available from the Election Officer.

3. Delegate Nominations.

Delegates and alternate delegates shall be nominated at large, separately from each other, and separately from candidates for any other Union position. Notice of the date(s), time(s) and location(s) of the nominations meeting(s) shall be given to each Local Union member.

All nominations shall be made and seconded by members in good standing of the Local Union. Members may nominate and/or second in writing prior to the meeting if they are unable to attend the nominations meeting due to work or personal constraints or if they both live and work more than 35 miles from the nominations meeting site.

4. Posting The Nominations Results.

The list of all candidates nominated, by name and slate, shall be posted on all Local Union bulletin boards.

5. Delegate Elections.

No election shall be held sooner than 45 days after the final nominations meeting. Delegates and alternate delegates shall be elected at large, separately from each other, and separately from candidates for any other Union position.

Notice of the election, including the date(s), location(s) and hours of polling shall be mailed to each Local Union member no later than 15 days prior to the election. Absentee voting shall be allowed for members unable to vote in person due to work or personal constraints or who both live and work more than 35 miles from the polling site.

Report XII to All Members (continued)

6. Uncontested Elections.

When the number of nominees does not exceed the number to be elected, there shall be no necessity for an election.

7. Slate Voting.

Candidates for delegate and alternate are permitted to seek nomination, be nominated, campaign and appear on the ballot as members of a slate of candidates, regardless of whether the slate is complete. The rules governing slate formation are found in Article VII of these Rules. All Local Unions shall permit slate voting.

8. Printing and Preelection Handling of the Ballots.

All ballots shall be identified as the "Official Ballot for the Election of Delegates and Alternates." The ballot shall state the number of delegate and alternate delegates to be elected. The ballot shall contain instructions for the voter with respect to slate voting, partial slate voting, and voting for individual candidates. Candidates shall be identified on the ballot only by name and, if affiliated, by slate. No sticker, write-in or proxy votes shall be permitted.

The Local Union shall prepare and maintain the ballots prior to the election. The person or entity printing the ballot shall certify the number of ballots printed. Ballot security shall be maintained throughout the preelection process.

9. Voting.

The election for delegates and alternate delegates shall be conducted in accordance with the requirements of Article XII of these Rules.

10. Ranking of Delegates and Alternates; Increases or Decreases in Delegate Strength; Attendance at the Convention.

Elected delegates and alternates shall be ranked as first delegate, second delegate, third delegate, etc. in accordance with the number of votes received. In all situations where the number of delegates is reduced or alternates replace delegates, the delegate(s) or alternate(s) selected shall be by rank.

Each Local Union shall be required to send and pay the expenses, or make arrangements for such payment by agreement with other subordinate bodies, of all the delegates to which it is entitled to the 1991 IBT Convention. If the Local Union is permitted and has voted to send and pay the expenses for less than a full complement of delegates to the Convention, only delegates and the highest ranking delegate(s) shall be those sent and for whom expenses are paid. Nothing herein shall prohibit any delegate(s) or alternate(s) not so sent from attending and being seated at the Convention. Such delegate(s) may seek contributions to defray any or all of their expenses, provided

that such contributions conform to the requirements of Article X of these Rules.

Ur

01

at

of

ci

0

re

le

ar

(1

C th V G b fr

Article III—Preconvention Accreditation of Candidates For International Officer Positions.

A candidate for any International Officer position may become an accredited candidate, and may thereby have his/her campaign literature published in the IBT Magazine pursuant to Article VIII, Section 9 of these Rules, if the following requirements are met:

1. Number of Signatures Required.

Each candidate seeking to become an accredited candidate must obtain signatures on petitions of at least two and a half percent (2.5%) of the membership of the relevant membership pool. The number of petition signatures required for each candidate position shall be available from the Election Officer on or about June 1, 1990.

2. The Petition.

Such petitions may only be circulated by a member in good standing and after the effective date of these Rules. Members of a slate of candidates formed in accordance with Article VII of these Rules may circulate a single petition for some or all of the members of the slate.

3. Submission of the Petition.

The candidate may, after July 1, 1990 and before December 14, 1990, submit said petitions to the Election Officer for counting and verification.

4. Checking the Petition.

Immediately after the petitions are received, the Election Officer shall check the petitions and void any improper signatures or group of signatures and count the valid signatures to insure that the requisite number has been obtained. Signing petitions for opposing candidates shall not invalidate the member's signature on any of the petitions signed.

Article IV—Rules for the Conduct of International Officer Nominations and Trustee Elections at the International Convention.

1. The Convention Call.

The General Secretary-Treasurer shall issue a Call for the Convention not less than ninety (90) days prior to the date of the opening of the Convention.

Any challenge to that portion of the Convention Call dealing with delegates must be filed in writing with the Administrator within fifteen (15) days of issuance of the Call.

2. Delegate Credentials and Seating.

On or about June 1, 1991, the Election Officer shall issue an initial report on delegate credentials to the General Secretary-Treasurer, the Credentials Committee, the Local

Union Secretary-Treasurers and all certified delegates, indicating which certified delegates are entitled to be seated. Challenges to this initial report may be filed with the Credentials Committee, with a copy to the Election Officer and the delegate(s) or alternate(s) being challenged, at any time after its issuance. No such challenge may be filed over issues or events covered by the protest procedures of Article XI of these Rules.

The Credentials Committee shall make the initial decision on challenges subject to review by the Election Officer, who retains the authority to amend or overrule any such initial decision. Immediately prior to the opening of the Convention, the Election Officer shall issue a final report on credentials, which report shall resolve all challenges and shall list, by Local Union number, all delegates and alternates to be seated at the Convention. The failure of any Local Union to send to the Convention all delegates to which it is entitled shall not constitute a basis for challenging the credentials or seating of those delegates sent or otherwise attending the Convention.

3. Nominations and Elections.

At the Convention, delegates shall nominate candidates for General President, General Secretary-Treasurer, eleven (11) regional Vice Presidents, and five (5) at-large Vice Presidents and shall nominate candidates for and elect three Trustees.

Convention delegates shall place from the floor of the Convention into nomination, and second, candidates for the 11 regional Vice President positions, the five at-large Vice President positions, the General President and the General Secretary-Treasurer. All delegates shall, by secret ballot, nominate candidates to run for these positions from among those receiving floor nominations. In order to be nominated to run in the direct secret ballot rank and file election, candidates nominated from the floor must receive at least 5% of the delegate votes cast in the secret ballot nomination voting, divided where appropriate by relevant delegate pool.

Convention delegates shall place from the floor of the convention into nomination, and second, candidates for the three International Trustee positions. All delegates, by secret ballot, shall elect Trustees from among those candidates receiving floor nominations.

No member shall accept a floor nomination or appear on the nomination ballot as a candidate for both the General President and General Secretary-Treasurer positions. No member shall accept a floor nomination or appear on the nomination ballot as a candidate for more than one (1) of the sixteen (16) Vice President positions. A member may accept nomination to run in the secret ballot direct rank and file election for one (1) International Union officer position only.

The Election Officer shall supervise the floor nomination process, the secret ballot nomination vote and the secret ballot election for Trustees. All protests to any Convention nomination or election shall be immediately filed with the Election Officer and heard by the Administrator so as to enable resolution prior to the conclusion of the Convention. The Convention shall not adjourn prior to the certification of the Trustee election and verification of

the nomination of at least one (1) candidate for each and every other International Officer position.

<u>Article V—Rules for the Conduct of the International Officer Election.</u>

1. International Officer Election.

Under these Rules and in accordance with its approved Local Union Plan, and subject to the supervision of the Election Officer, the Local Union shall administer and conduct the International Officer election. All particulars of the International Officer election shall be administered and conducted by the Local Union in accordance with its approved Local Union Plan, approved by the Election Officer for the conduct of its delegate and alternate delegate election, except that the date(s) for the election shall be the date(s) specified by the Election Officer. A summary of the Local Union Plan shall be posted on all Local Union bulletin boards.

2. Notice of the International Officer Election.

Notice of the election, including the date(s), location(s) and hours of polling shall be prepared by the Local Union and mailed to each member no later than 15 days prior to the election.

3. Slate Voting.

Candidates for International office are permitted to seek nomination, be nominated, campaign and appear on the ballot as members of a slate of candidates, regardless of whether the slate is complete. The rules governing slate formation are found in Article VII. Slate voting shall be permitted in the International election.

4. Printing and Preelection Handling of the Ballots.

All ballots shall be identified as the "Official Ballot for the Election of International Officers". Candidates shall be identified on the ballot only by name and, if affiliated, by slate. No sticker, write-in or proxy votes shall be permitted. The Election Officer shall print, seal and distribute a sufficient number of ballots to each Local for the proper conduct of the election.

5. Voting.

The election for International Officers shall be conducted in accordance with the requirements of Article XII.

Article VI—Eligibility Requirements for any Convention Delegate, Alternate Delegate or International Officer Position.

1. Eligibility to Run.

To be eligible to run for any Convention delegate, alternate or International Officer position, one must be a member in continuous good standing of a Local Union, with one's due paid to the Local for a period of twenty-four (24) consecutive months prior to the month of nomination.

Report XII to All Members (continued)

2. Modifications of Eligibility Requirements.

The requirements of Section 1 may be met by members who obtained withdrawal or transfer cards, are laid off, are actively pursuing discharge grievances, are seasonal workers, are members of newly chartered Locals, have transferred from one Local to another, or are employed by the Union.

3. Meeting Attendance Requirements.

Neither the International nor the Local Union may enforce any meeting attendance requirement as a condition for establishing one's eligibility to run for any Convention delegate, alternate delegate or International Officer position, except with the prior written approval of the Election Officer and in very limited circumstances.

4. Review of Eligibility.

Candidate eligibility shall be reviewed and ruled upon in the following manner:

It is strongly recommended that each candidate and each member who intends to nominate or second the nomination of a candidate, request the Secretary-Treasurer of his/her Local Union to review his/her eligibility. The Local Secretary-Treasurer shall issue a report on eligibility, in writing, within five (5) days of such request. Any protest regarding such report must be filed within forty-eight (48) hours after its receipt, pursuant to Article XI, Section 1a of these Rules.

Any member wishing to challenge the eligibility of any candidate to be nominated for delegate or alternate delegate position shall do so within forty-eight (48) hours after the nomination meeting. Challenges shall be filed in writing with the Secretary-Treasurer of the candidate's Local Union.

ARTICLE VII—Slates.

1. Formation.

Each candidate is permitted to seek nomination, be nominated, campaign and appear on the ballot for any delegate, alternate delegate or International Officer position as a member of a slate of candidates, regardless of whether the slate is complete. No candidate shall be compelled to run as a member of a slate, nor shall any candidate be permitted to run on more than one slate.

To form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate, giving the position that each candidate seeks and the name, if any, of the slate to be formed. Should one or more members of a slate by found ineligible to run, such ineligibilty shall not affect the remaining members of the slate.

2. Limitations.

Once a candidate declares his/her intent to run as a member of a slate, he/she may not retract such declaration.

ARTICLE VIII—Campaigning and Access

1. Collective Bargaining Agreements and Worksite Lists.

rec

ex

of

be

of

alf

fal

ho

U

U

ba

ti

Each delegate candidate and each nominated International Officer candidate has the right to inspect and make notes from all collective bargaining agreements covering any member of the Local Union. This right commences on July 1, 1990, for delegate and alternate delegate candidates from Local Unions proposing to hold their delegate and alternate delegate elections in the fall of 1990, and on October 1, 1990, for delegate and alternate delegate candidates from all other Local Unions. The right to inspect and make notes from collective bargaining agreements may be satisfied by the Local Union providing a list of all the sites with addresses where any and all of its members work.

Such collective bargaining agreements or worksite lists are not to be inspected or used for the benefit of any employer or of any other labor organization or for any purpose other than campaigning for a delegate, alternate delegate or International Officer position.

2. Membership List.

Each candidate has the right, once within thirty (30) days prior to the casting of the ballots in any election in which he/she is a candidate, to inspect a list containing the last known names and addresses of all members of the Union who are to participate in such election. If the Union permits any candiate to copy or otherwise use the list, all candidates must be provided the same opportunity.

An opinion polling entity working for any International Officer candidate has the right to obtain from the International Union, and through the Election Officer, a random sampling of the names, addresses and telephone numbers of members of the Union or any portion or segment thereof for the purpose of conducting opinion polling. The opinion polling entity shall not reveal the list or any portion thereof.

3. Certified Delegate List.

Each candidate for International Office has the right to request and receive from the Election Officer a list of all certified delegates with their addresses.

4. Membership Meetings.

No candidate may be denied access to any meeting of the Local Union to which he/she belongs as a member. If any candidate, whether a member or not, is permitted to address the Local meeting for the purpose of campaigning, any non-member candidate must be granted equal campaign time and must be permitted to hear the other candidate(s) speak. The Local Union need not allot time for campaigning during any of its meetings. However, if such time is granted, the Local Union shall notify all candidates who request such notice and shall divide the

time equally between those candidates who request an

opportunity to speak.

ng

es

te

of

te ht

ng

of

ny

ie

Each candidate for International Office has the right to request from the Local Union a list of the dates, times, and places of its regularly scheduled general or special membership meeting(s). The Election Officer shall first prepare a list of tentative, and later finalized, dates, times and places of Local Union delegate nominations meetings and elections. The Election Officer shall make these lists available to each candidate for International Office who so requests.

5. International Officer Candidate Forums.

The Election Officer may schedule and conduct International Officer candidate forums.

6. Candidate Literature and Mailings.

Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense. The Union shall honor requests for distribution of literature to only a portion or segment of the membership. The Union shall honor requests for distribution of literature by any lawful class or type of mail or postage, including, to the extent permitted by postal regulations, utilization of any non-profit organization bulk-rate permit.

Prior to July 1, 1990, the Union need not honor any request for distribution of literature from any delegate or alternate delegate candidate from a Local Union proposing to hold its delegate and alternate delegate elections in the fall of 1990. Prior to October 1, 1990, the Union need not honor any request for distribution of literature from any delegate or alternate delegate candidate from a Local Union holding its delegate and alternate delegate elections in the winter of 1990–1991.

Any request for the distribution of literature shall be made by the candidate to the Secretary-Treasurer of the Union in writing. Each candiate shall pay, on a reasonable basis, for the actual cost of distribution, including stationery, duplication, time required to do the work and postage for mailing. Mailing labels shall be prepared through the least expensive system available to the Union.

The Union may not censor, regulate, alter or inspect the contents of any candidate's campaign literature. The Union may not refuse to process of distribute any candidate's literature on the basis of its contents.

7. Union Publications.

No Union-financed publication or communication may be used to support or attack the candidacy of any person, except as authorized by Sections 8 and 9 of this Article. Any complaint regarding the use of a Union newspaper or publication shall be directed to the Election Officer, in writing, with a copy of the publication enclosed, within forty-eight (48) hours after the publication is received by the complaining party.

8. Subordinate Body Publications.

No subordinate body need reserve any space in any of its newspapers or publications for the purpose of campaigning, except:

a. If any candidate is permitted to have his/her campaign material published, all other candidates must be permitted

the same opportunity on an equal basis; or

b. If the subordinate body has, within the year prior to the effective date of these Rules, accepted paid advertising, any candidate shall be permitted the opportunity to have his/her paid-political advertisement(s) placed in the publication at the same cost and under the same guidelines available to other advertisers. This right commences on July 1, 1990, for delegate and alternate delegate candidates from Local Unions proposing to hold their delegate and alternate delegate elections in the fall of 1990, on October 1, 1990, for delegate and alternate delegate candidates from all other Local Unions and on the effective date of these Rules for International Officer candidates.

9. <u>IBT Magazine: Accredited/Nominated Candidates for International Office.</u>

Each accredited candidate has the right to have campaign literature published in the IBT Magazine in October, 1990 and February, 1991 and each nominated candiate for International Office has the same right to publication in September, October and November, 1991. Each accredited or nominated candidate for the following offices shall be limited to the following number of pages of material per issue: General President, one (1) page; General Secretary-Treasurer, three-fourths (3/4ths) of a page; atlarge or regional Vice President, one-half (1/2) page; Trustee, one-quarter (1/4) page. Accredited or nominated candidates who are members of a slate may pool their space in any issue. Each accredited or nominated candidate and each slate of accredited or nominated candidates may use any portion of the allotted space to solicit contributions from eligible contributors. The order of presentation in the IBT Magazine of each candidate's or each slate's material shall be determined by lot.

10. Freedom to Exercise Political Rights.

All Union members, including officers and employees, retain the right to participate in campaign activities, including the right to run for office, to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. No candidate or member may campaign during his/her working hours or during time that is paid for by the Union. Campaigning incidental to work or that is incidental to regular Union business, is not, however, violative of this section. Further, campaigning during paid vacation, paid lunch hour or breaks, or similar paid time off is also not violative of this section. Union funds, facilities, equipment, stationery, etc. may not be used to assist in campaigning unless the candidate reimburses the Union for such costs and such goods and services are equally available to all candidates and all candidates are notified in advance of

Report XII to All Members (continued)

the availability of such goods and services. No restrictions shall be placed upon candidates' or members' pre-existing rights to use emloyer or Union bulletin boards for campaign publicity. Similary, no restrictions shall be placed upon candidates' or member's pre-existing rights to solicit support, distribute leaflets or literature, conduct campaign rallies, fund raising events or engage in similar activities on employer of Union premises. Such facilities and opportunities shall be made equally available on the same basis to all candidates and members.

11. Credentialed Representatives.

Each delegate candidate may authorize any member(s) of his/her Local Union to serve as his/her credentialed representative, and each International Officer candidate may authorize any member(s) of the Union to serve as his/her credentialed representative. The credentialed representative(s) shall, in that candidate's absence, have the same rights as is permitted the candidate in this Article.

ARTICLE IX—OBSERVERS

1. General Rules Regarding Observers.

Each candidate shall have the right, at his/her expense, to observe or to have at least one (1) observer present at each and every phase of the nomination and election process. Such observer shall be the candidate or a member in good standing of the Local Union in the case of delegate elections and the candidate or a member in good standing of the Union in the case of International Officer elections and shall be authorized, or credentialed, by the candidate to serve in such capacity. However, the candidate shall not serve as an observer at a polling place where his/her name appears on the ballots being cast. The right to observe shall be meaningful and reasonably accessible. Time spent observing shall be considered as time spent on Union business.

2. Processing and Distribution of Candidate Literature.

Observers shall be permitted to observe the processing and distribution of campaign literature for his/her candidate.

3. Selecting by Lot.

Observers shall be permitted to be present at any drawing by lot conducted in connection with any phase of the nomination and election process.

4. Printing and Preelection Handling of the Ballots.

The observers shall be permitted to inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

5. Mail Ballots.

Observers shall be permitted to observe the entire mailing process and to inspect the list of eligible voters. Should any observer claim that an eligible member has been omitted from the list, such person shall be sent a ballot. If such ballot is later cast, it shall be characterized as a challenged ballot.

Observers shall be permitted to be present at the time when those ballots returned as undeliverable are picked up from the prescribed post office box and to inspect and count the ballots so returned. Observers shall further be permitted to be present when the cast ballots are picked up from the prescribed post office box in the afternoon of the return or voting date and to accompany the transfer of such ballots to the location where they are to be counted.

6. Absentee Ballots.

Upon written request to the Local Union Secretary-Treasurer, observers shall be permitted a reasonable opportunity to inspect the members' requests for absentee ballots. Observers shall be permitted to be present at the time when absentee ballots are picked up from the prescribed post office box and to accompany the transfer of such ballots to the location where they are to be counted.

7. The Polling Place, Ballot Voting and Counting.

Observers shall be permitted to observe the conduct of the election. Observers may challenge the eligibility of any voter to vote. Observers shall be permitted to enter all polling and/or vote counting locations. Observers shall not interfere with the Local election committee in its performance of duties, and shall not interfere with or seek to influence voters, or electioneer in any way.

Observers shall be permitted to remain with the ballot box(es) or machine(s) from the time voting commences until the ballots are counted, including overnight if necessary. Observers shall also be permitted to observe the opening of the ballot box(es), machine(s) or mail/absentee ballot envelopes prior to the counting of the ballots; the counting of the ballots, including any challenged ballots that are counted; the tally of the votes; and the recording of the final vote count and the counting of the unused, voided and spoiled ballots.

Article X—Campaign Contributions and Disclosure.

1. Campaign Contributions.

Pursuant to Paragraph 8 of the Consent Order, Article IV, Section 2 of the IBT Constitution has been amended to include the following:

"No candidate for election shall accept or use any contributions or other things of value received from any employers, representative or an employer, foundation, trust or similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union. Violation of this provision shall be grounds for removal from office."

ntire

ers.

has

nt a

ized

ime

ked

and

r be

ked

n of

sfer

iry-

op-

tee

the

the

fer

be

of

of

ter

all

its

ek

ot

es

if

ve

il/

he

al-

nd

of

The following rules shall apply to all campaigns for nomination or election to the position of Convention delegate or International Officer:

- (1) No employer shall be permitted to contribute anything to any campaign. This prohibition is not limited to employers that have contracts with the Union; it extends to every employer, regardless of the nature of the business, and includes but is not limited to: any political action organization that employs any staff; any nonprofit organization, such as a church or civic group, that employs any staff; and any law firm or professional organization that employs any staff. No labor organization, whether or not an employer, may contribute anything to any campaign, except as permitted by Paragraphs (2) and (3) below:
- (2) The above rules of paragraph (1) do not prohibit the candidate's use of financial support services from employers or labor organizations (other than the Union) to pay fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of candidates. Contributions of this kind are permitted only to the extent that they are confined to these permissible objects.
- (3) No union funds or goods shall be used to promote the candidacy of any individual.
- (4) No member may campaign for him/herself or for any other candidate during time that is paid for by the Union or by any employer. However, campaigning incidental to work or regular Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off is not violative of the campaign contribution rules.
- (5) Nothing herein shall prohibit any candidate from accepting contributions made by any nonmember who is not an employer. Nothing herein shall prohibit any candidate from accepting contributions made by any member, whether or not such member is an employer. Nothing herein shall prohibit any candidate from accepting contributions made by any caucus or group of Union members or any campaign organization of any candidate provided that such caucus, group or campaign organization is itself financed exclusively from contributions permitted under these Rules.
- (6) Nothing herein shall prohibit the donation of services by an individual to a candidate rendered on the individual's personal free time without compensation in any form by an employer or labor organization and without accompanying contributions of supplies or of services of others who are compensated by an employer or labor organization for such services.

2. Financial Disclosure.

Each nominated candidate for International Office shall submit to the Election Officer, by certified or registered mail, an initial, an interim and a final campaign financing and expenditure report, detailing the contributions received and the expenditures made by the candidate. Only contributions in excess of one hundred dollars (\$100.00) and expenditures in excess of one hundred dollars (\$100.00) need be reported in the campaign financing and expenditure reports. Each nominated candidate for International Office shall have the right to inspect, but not copy, the other candidates' campaign financing and expenditure reports.

ARTICLE XI—Protest and Appeal Procedures; Remedies; Rerun Elections.

Protests and Appeals.
 a. Preelection Protests

Protests regarding the following *must* be filed within forty-eight (48) hours or such protests shall be waived: protests regarding rulings on nominator, seconder or candidate eligibility; protests regarding alleged failures to provide proper access to the membership; and protests regarding alleged improper or inequitable treatment of the candidate or his/her supporters by the Union, by any other labor organization or by an employer. Protests regarding alleged improper pre-election threats, coercion, intimidation or acts of violence *may* be filed within forty-eight (48) hours or *may* be filed as a post-election protest.

All pre-election protests shall be filed by sending the Election Officer or his representative, and the Union(s) involved, a clear and concise written statement of the alleged improper conduct. Within five (5) days after receipt of the protest, the Election Officer or his representative shall evaluate the protest and determine the merits of the protest and, if found meritorious, determine the appropriate remedy; or defer making a determination until after the election. The complainant(s), the Union(s) involved or any adversely affected candidate(s) not satisfied with the resolution may request a hearing before the Administrator within twenty-four (24) hours after receiving notice of the determination. If no appeal is taken from the determination of the Election Officer or his representative, that determination shall become final and binding.

Within three (3) days after receipt of a request for hearing, the Administrator or his designee shall commence and conclude a hearing. Within forty-eight (48) hours after the conclusion of such hearing, the Administrator or his designee shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The decision must be followed unless it is stayed or overturned by the Court.

b. Post-Election Protests.

Protests regarding *any* alleged improper election day or post-election conduct or event *must* be filed: (a) within seventy-two (72) hours of the posting of the official election tally sheet, when involving any delegate election; or (b) within fifteen (15) days of the announcement of the election

Report XII to All Members (continued)

results, when involving the International Officer election. If the above time limits are not met, the protest shall be waived. Post-election protests shall only be considered and remedied if the alleged violation may have affected the outcome of the election.

All post-election protests shall be filed by sending the Election Officer or his representative a clear and concise written statement of the alleged improper conduct, including a statement explaining how such conduct may have affected the outcome of the election. Within seven (7) days after the filing of a protest under Paragraph (1)(a) above (concerning a delegate election) or within fifteen (15) days after the filing of a protest under Paragraph (1)(b) above (concerning the International election), the Election Officer or his representative shall determine the merits of the protest and, if found meritorious, determine the appropriate remedy.

The complainant(s), the Union(s) involved or any adversely affected candidate not satisfied with the resolution may request a hearing before the Administrator within seventy-two (72) hours after receipt of the determination. If no appeal is taken from the determination of the Election Officer or his representative, that determination shall become final and binding.

Within three (3) days after receipt of a request for hearing on a protest filed under Paragraph (1)(a) above (concerning a delegate election) or within fifteen (15) days after receipt of a request for hearing on a protest filed under Paragraph (1)(b) above (concerning the International election), the Administrator or his designee shall commence and conclude a hearing. Within three (3) days after the conclusion of a hearing on a protest filed under Paragraph (1)(a) above (concerning a delegate election) or within fifteen (15) days after the conclusion of a hearing on a protest filed under Paragraph (1)(b) above (concerning the International election), the Administrator or his designee shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The decision must be followed unless it is stayed or overturned by the Court. With respect to any protest, it shall be the burden of the complainant to present evidence that a violation has occurred. No protest of any candidate, person or Union shall be considered if such candidate, person or Union, or anyone acting under their direction or control or on their behalf, caused or significantly contributed to the situation giving rise to such protest.

2. Remedies

If as a result of any protest filed or any investigation undertaken by the Election Officer with or without a protest, the Election Officer determines that these Rules have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest and open election, the Election Officer may take whatever remedial action is appropriate.

3. Rerun Elections.

Should the Election Officer refuse to certify any election, he shall then immediately order that a rerun election be

held, including, if necessary, the rerunning of the nomination process. Said rerun nominations and/or elections shall be organized in consultation with the Union but shall be conducted and administered, in their entirety, by the Election Officer.

reo

ha

ha

Ele

be

rea

th

su

it :

im

Tr

ba

th

if s

ba

L

re

se

ba

bo

of

re

Article XII—Election Balloting, Counting and Certification Procedures.

Pursuant to Section 12(D) (ii) of the Consent Order, elections for Convention delegate and International Officer positions shall be held by direct rank-and-file secret ballot voting.

1. Direct, In-Person Voting.

The Local Union shall establish polling place(s) in accordance with its approved Local Union Plan and shall keep the polls open for a period of not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m. The election shall be conducted by secret ballot to be placed in boxes, unless the Local Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote. No box shall be removed from the voting area during the voting period. At no time shall any ballot box be moved from one polling place to another, except as permitted under these Rules for the purposes of counting.

If there is any challenge to the voter's eligibility to vote that cannot be resolved to the satisfaction of the election committee and the observers prior to the time that voter is to vote, said voter shall cast a challenged ballot. The reasons for the challenge shall be written on the outside of the challenged ballot envelope. At no time shall anyone in or around the polling place attempt to influence, coerce or disturb another in his/her attempt to vote. No one shall enter the voting booth with any voter at any time. No one shall be permitted to loiter at the polling place. No one shall be permitted to campaign inside or within one hundred (100) feet of the entrance of any polling place.

2. Absentee Voting.

Any member who is eligible to vote and who desires to vote by absentee ballot shall be permitted to do so if he/she is unable to vote in person due to work or personal constraints or if he/she lives and works more than thirty-five (35) miles from the polling place.

Each eligible member who desires to vote by absentee ballot shall request such ballot, stating the reason(s) for such request, in writing, from the Local Secretary-Treasurer. The Local Secretary-Treasurer shall reply to all such requests within twenty-four (24) hours.

The Local Union shall secure a post office box for the return of such ballots, and the address on the ballot return envelope shall correspond to that post office box. The deadline for receiving absentee ballots shall be noon of the day on the last day for direct, in-person voting.

It shall consititute a violation of these Rules for any Union member, officer, business agent, steward, etc. to

require or request that any member give him/her such member's absentee ballot.

3. Mail-Ballot Voting.

Mail-ballot voting shall be permitted if the Local Union has historically employed mail-ballot voting or the Local has obtained approval of the Election Officer to use such method. Mail-ballot voting shall be required if, in the Election Officer's opinion, any other form of voting would be so impracticable as to inhibit the members' right to a reasonable opportunity to vote. Should any observer claim that an eligible member has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be characterized as a challenged ballot. Any eligible member not receiving a ballot within ten (10) days prior to the voting deadline shall contact the Local Union immediately if he/she wishes a ballot. The Local Secretary-Treasurer shall then immediately send such person a mailballot package. Regardless of any question(s) concerning the individual's eligibility to vote, the ballot shall be sent; if such ballot is cast, it shall be characterized as a challenged

The Local Union shall secure a post office box for the return of such ballots, and the address on the ballot return envelope shall correspond to that post office box. The Local Union shall secure a second post office box for the receipt of mail-ballot packages returned by the postal service as undeliverable. The return address on the mail-ballot package shall correspond to this second post office box. The deadline for receiving mail ballots shall be noon of the day on which the Local Union sets as the return, or voting date.

It shall constitute a violation of these Rules for any Union member, officer, business agent, steward, etc. to require or request that any member give him/her such

member's mail ballot.

4. Direct, In Person and Mail-Ballot Voting Combined.

The Local Union shall be permitted to combine direct, in-person and mail-ballot voting if it has historically employed such method or has obtained approval of the Election Officer to do so.

5. The Counting of the Ballots.

All ballots shall be counted where they are cast except where voting is by a mechanical device which necessitates centralized counting (e.g. punch card voting) or where special circumstances so require and prior approval has been obtained from the Election Officer. Absentee and mail ballots may be taken from the post office to another location for counting.

The vote count shall be kept on an official election tally sheet stating the number of ballots printed, the number of mail and/or direct, in-person ballots cast, the number of absentee ballots cast, the number of challenged, void, spoiled and unused ballots, and the number of votes received by each candidate. The tally sheet shall be signed by all members of the election committee and by any candidate and/or observer choosing to sign. The mail and/or absentee ballot of a member marked in as voting in

person shall be voided and the in-person vote counted. Where more than one (1) mail and/or absentee ballot is received from a member, the ballot with the latest postmark shall be counted and the other(s) voided. Where it is not possible to determine the latest postmark, all such ballots shall be voided. If on any ballot the total number of candidate votes exceeds the number of candidates to be elected for such position, that portion of the ballot shall be void, except where a voter has voted for a slate or a partial slate, in which case the slate or partial slate vote only shall be counted. The remaining portion of the ballot shall be counted.

Where a voter has voted for both a slate and some or all of the candidates listed under that slate heading, the markings for the individual slate members shall be disregarded and the slate vote shall be counted.

6. Announcement of the Election Results.

Upon completion of the vote count, the Secretary-Treasurer of the Local Union shall immediately announce to all candidates and observers present the results of the count. As soon as possible but in no case later than seven (7) days after the completion of the vote count, the Secretary-Treasurer of the Local Union shall post a copy of the official election tally sheet on all Local Union bulletin boards.

7. Certification of the Election Results.

After completion of the election process conducted in accordance with these Rules, where no timely objections to the election are raised, or upon completion of the protest and appeal procedure, the Election Officer shall certify the results of the election. Should the Election Officer decline to certify the results of any election, such election shall be set aside and rerun.

Article XIII—Forms.

The Election Officer has promulgated certain forms for use in connection with the 1990–1991 IBT International Union delegate and officer election. The Election Officer reserves the authority to promulgate such additional forms as may be necessary or desirable.

Article XIV—Extraterritorial Application.

These Rules apply to all delegate, alternate delegate and International Officer nominations and elections, including those conducted outside the territorial jurisdiction of the United States. No distinction shall be made between nominations and elections conducted within the United States and those conducted outside the United States.

Article XV-Effective Date.

These Rules are immediately effective upon their promulgation date of April 27, 1990.

Report XII to All Members (continued)

III CONCLUSION

A copy of the 94-page booklet in which all of the new Rules for the Teamsters election of delegates and officers are compiled is available to any IBT member or their representative who writes to or calls the Office of the Election Officer, c/o International Brotherhood of Teamsters, 25 Louisiana Avenue N.W., Washington, D.C. 20001. Again, the telephone number in the Election Office is 202/624-8778 or toll-free 1-800/828-6496.

Also available upon request is a copy of the official Commentary on changes made by the IBT Election Officer in the proposed rules as reflected in the final rules—as well as Mr. Holland's comments as to why certain rules remain unchanged.

A third tool available upon request to interested IBT parties is the set of official forms which will guide candidates seeking delegate status or election to an IBT officer's position—as well as the forms to guide local union leaders in preparing their local union election plans and implementing them late this year and in 1991.

I encourage each and every member to take the time to learn about the election Rules and to participate in the election process.

IV COMMUNICATIONS

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae One Gateway Center Newark, NJ 07102-5311

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland, Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue, N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

SCHEDULE OF ELECTION RULES TRAINING SEMINARS

A total of 21 seminars will be conducted by Election Officer Holland and his staff during the months of June and July throughout North America. At each of the sessions questions about the new Rules will be answered by Holland and personnel from the Election Office.

Each seminar scheduled either for a Saturday or a Sunday will focus primarily on issues relating to campaigning and candidates' rights and responsibilities.

Each session scheduled either for a Friday or a Monday will focus primarily on the proper preparation of IBT Local Union plans.

Attendance and participation in all seminars will be restricted solely to IBT members and their representatives.

BALTIMORE, MARYLAND

Friday, June 15th; 11:00 a.m. to 2:00 p.m. Saturday, June 16th; 10:00 a.m. to 1:00 p.m. OMNI HOTEL (INNER HARBOR)

101 West Fayette Street

INDIANAPOLIS, INDIANA

Friday, June 15th; 11:00 a.m. to 2:00 p.m.
Saturday, June 16th; 10:00 a.m. to 1:00 p.m.
HILTON at the CIRCLE
31 West Ohio Avenue

NEW YORK, NEW YORK

Sunday, June 17th; 10:00 a.m. to 1:00 p.m. Monday, June 18th; 10:00 a.m. to 1:00 p.m. SHERATON CITY SQUIRE 790 7th Avenue (between 51st & 52nd)

KANSAS CITY, MISSOURI

Sunday, June 17th; 10:00 a.m. to 1:00 p.m. Monday, June 18th; 10:00 a.m. to 1:00 p.m. HILTON PLAZA INN 1 East 45th Street

(continued on next page)

ELECTION RULES TRAINING SEMINARS

(continued)

SACRAMENTO, CALIFORNIA

Friday, June 22nd; 2:00 p.m. to 5:00 p.m. Saturday, June 23rd; 12:00 p.m. to 3:00 p.m. RADISSON HOTEL 500 Leisure Lane

DALLAS, TEXAS

Friday, June 22nd; 11:00 a.m. to 2:00 p.m. Saturday, June 23rd; 10:00 a.m. to 1:00 p.m. PARK INN PLAZA HOTEL 1914 Commerce Street

LOS ANGELES, CALIFORNIA

Sunday, June 24th; 10:00 a.m. to 1:00 p.m. Monday, June 25th; 10:00 a.m. to 1:00 p.m. HYATT HOTEL (LAX) 6225 West Century Blvd.

NASHVILLE, TENNESSEE

Sunday, June 24th; 10:00 a.m. to 1:00 p.m. Monday, June 25th; 10:00 a.m. to 1:00 p.m. PARK SUITES HOTEL 10 Century Blvd.

TORONTO, CANADA

Friday, June 29th; 11:00 a.m. to 2:00 p.m. Saturday, June 30th; 10:00 a.m. to 1:00 p.m. REGAL CONSTELLATION HOTEL 900 Dixon Road Etobicoke, Ontario

CHICAGO, ILLINOIS

Friday, June 29th: 11:00 a.m. to 2:00 p.m.
Saturday, June 30th; 10:00 a.m. to 1:00 p.m.
SHERATON INTERNATIONAL HOTEL
AT O'HARE AIRPORT
6810 North Mannheim Road
Rosemont, Illinois

NEWARK, NEW JERSEY

Sunday, July 1st; 10:00 a.m. to 1:00 p.m. Monday, July 2nd; 10:00 a.m. to 1:00 p.m. HILTON GATEWAY HOTEL & TOWERS Raymond Blvd. at McCarter Hwy.

MONTREAL, CANADA

To Be Announced

LANSING, MICHIGAN

Friday, July 6th; 11:00 a.m. to 2:00 p.m. Saturday, July 7th; 10:00 a.m. to 1:00 p.m. SHERATON HOTEL LANSING 925 South Creyts Road

PHILADELPHIA, PENNSYLVANIA

Friday, July 6th; 11:00 a.m. to 2:00 p.m. Saturday, July 7th; 10:00 a.m. to 1:00 p.m. FRANKLIN PLAZA HOTEL 17th Street at Race Street

BOSTON, MASSACHUSETTS

Sunday, July 8th; 10:00 a.m. to 1:00 p.m. Monday, July 9th; 10:00 a.m. to 1:00 p.m. BOSTON PARK PLAZA HOTEL & TOWERS 50 Park Plaza

MINNEAPOLIS, MINNESOTA

Sunday, July 8th; 10:00 a.m. to 1:00 p.m. Monday, July 9th; 10:00 a.m. to 1:00 p.m. RADISSON HOTEL SOUTH 7800 Normandale Blvd.

DENVER, COLORADO

Friday, July 13th; 11:00 a.m. to 2:00 p.m. Saturday, July 14th; 10:00 a.m. to 1:00 p.m. RADISSON HOTEL DENVER 1500 Court Place

PITTSBURGH, PENNSYLVANIA

Friday, July 13th; 11:00 a.m. to 2:00 p.m. Saturday, July 14th; 10:00 a.m. to 1:00 p.m. SHERATON STATION SQUARE #7 Station Square Drive

SAN FRANCISCO BAY AREA

Friday, July 13th; 11:00 a.m. to 2:00 p.m.
Saturday, July 14th; 10:00 a.m. to 1:00 p.m.
DUNFEY HOTEL
1770 South Amphlett Blvd.
San Mateo, California

COLUMBUS, OHIO

Sunday, July 15th; 2:00 p.m. to 5:00 p.m. Monday, July 16th; 10:00 a.m. to 1:00 p.m. HILTON INN NORTH 7007 North High Street

SEATTLE, WASHINGTON

Sunday, July 15th; 10:00 a.m. to 1:00 p.m. Monday, July 16th; 10:00 a.m. to 1:00 p.m. RED LION HOTEL/SEA-TAC 18740 Pacific Hwy. South Sea-Tac, Washington

UPS Aircraft Mechanics

Vote for Airline Division

he Teamsters won a landslide victory in a union representation election conducted by the National Mediation Board in April for UPS aircraft mechanics.

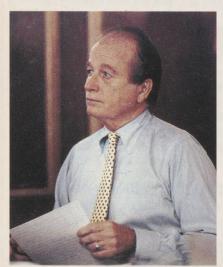
The Board announced that out of 466 eligible voters, 377 cast ballots for Teamster representation. Nineteen workers wrote in the names of other unions. There were three void ballots, and the remaining workers did not vote.

General President William J. McCarthy said the decisive vote demonstrates the fact that airline employees want the Teamsters. Like all airline employees, he noted, their contract comes under the Railway Labor Act, which is administered by the National Mediation Board.

Tally Must Total More than Majority

Under the Board's rules, 50 percent plus one of the eligible voters must cast ballots for union representation in order for an election to be valid. A simple majority of the votes cast is not enough.

"The mechanics are a strong, militant group," said Airline Division Director Bill Genoese. "We are now preparing for negotiations



Airline Division Director Bill Genoese.

with the company."

The board certified the Teamsters as the union representing the mechanics under the Railway Labor Act. The certification means that the Teamsters cannot be raided by another union for two years.

Voters Made A Strong Statement

The Aircraft Mechanics Fraternal Association had expressed interest in the group, but it received only three write-in votes.

"The mechanics group will go to 2,000 in the near future," Genoese said. "UPS got 22 percent of its 1989 revenue from aircraft operations, and revenue totaled more than \$12 billion."

The mechanics are now covered by a supplement to the UPS Master Agreement, but Genoese said they made it clear that they want their own contract under the Railway Labor Act.

The mechanics are represented by Local 608 in Louisville. Many of them are based in Louisville, Kentucky, but others are scattered at stations throughout the country.

General President William J. McCarthy said the decisive vote demonstrates the fact that airline employees want the Teamsters.

Airline Division Wins Major Aeromexico Settlement

the Airline Division has won a settlement of close to \$1 million for Aeromexico mechanics after a two-year fight with the bankrupt company.

"Our members were caught in the middle when Aeromexico declared bankruptcy in the Mexican courts," said Division Director Bill Genoese. "The company didn't want to give them anything."

The Teamsters represented all Aeromexico mechanics and related crafts in the United States.

After declaring bankruptcy the company halted all operations. Aeromexico's holdings were eventually bought out by a new Mexican company, and operations resumed. The Teamsters have launched an organizing campaign at the new company.

Teamster attorneys negotiated with Aeromexico's bankruptcy trustee and won full protection for our members' pensions and health insurance.

Under the settlement formula just negotiated by the Teamsters, individual workers got settlements of up to \$37,215—plus all their vacation pay and sick day pay.

Genoese recalled that the long fight was similar to one conducted on behalf of our Braniff membership when Braniff went bankrupt.

Said one Aeromexico mechanic: "A union like the Teamsters stays with the people."



TEAMSTERS ARE NUMBER ONE

THE I

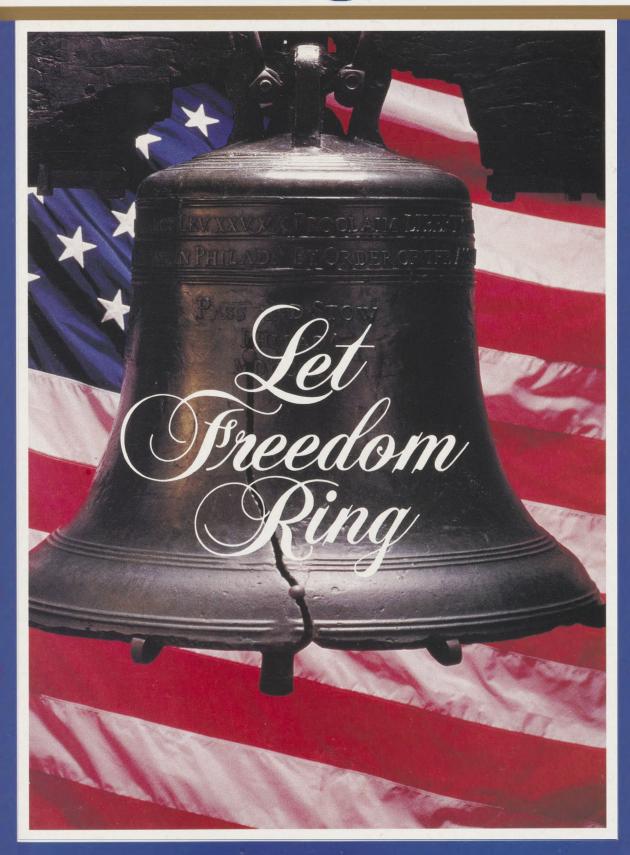


THE INTERNATIONAL

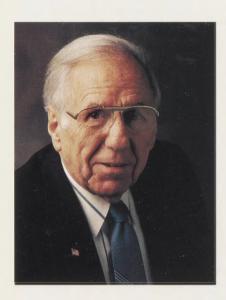
JULY 1990

TEANSTER





THE PRESIDENT'S MESSAGE



have refrained from commenting too strongly on the activities of the court-appointed officers and what they are costing this International Union. The reason for this is simple—your General Executive Board, pursuant to the concent decree and on the advice of attorneys, has wished to avoid an open, public dispute in the belief that constructive cooperation would yield the best results.

But I can no longer stop from commenting on the unfair costs we are incurring due to the presence of these court officers. You have a right to know just how much they are billing us for staff, travel, and expenses. Every month, the administrative officer reports to you on his and his colleagues' accomplishments or lack thereof in the pages of this magazine. For some reason, perhaps out of embarrassment or modesty, he has avoided detailing what the three officers and their staffs are costing your International Union.

Since you have the right to know, and he won't tell you, I will. The IBT Accounting Department has reports that the combined invoices for the civil RICO suit amount to the astounding figure of \$12 million as of June, 1990. You can make up your own minds about a cost-benefit analysis.

On other fronts, our success in organizing the unorganized continues to increase day by day. After a couple of stagnant years, the International Brotherhood of Teamsters is once again leading the way in signing up new members in all manner of industries and occupations. Much of the credit for this success is due to our joint councils and individual locals which have taken advantage of organizing opportunities and put in the money, time, and effort necessary to win elections. Organizing not only brings new members into the Union, but ensures a strong future for the Teamsters Union.

In addition to local and regional organizing drives, we are presently engaged in a nationwide campaign to organize Overnite, the largest nonunion company in the trucking industry. Our organizers are reporting good progress in what will

be a long, hard fight. Any assistance or advice you can lend them will be repaid five-fold if we succeed in unionizing Overnite.

A campaign for increasing participation in DRIVE will accompany our efforts in organizing. Our political action committee has outpaced all other political funds in the United States during the last two years. Your support is crucial to keeping DRIVE number one and the Teamsters' political voice strong. Only with a well-funded DRIVE program and 100 percent voter registration can this union hope to succeed in reforming the nation's labor laws.

We are continuing to press the fight for passage of replacement worker legislation in the House and Senate. I'm happy to report that the number of cosponsors continues to grow, but there are a number of Congressmen, who normally support labor, not yet on the list. I urge all Teamsters to contact your representatives and demand that they sign onto this bill. If we can't protect our most fundamental labor right—the right to strike—then we are in for dark days ahead. Write, call, or go to see your representatives about this bill, and do it today.

General State of the Control of the

Fraternally,

William J. Micertay

William J. McCarthy General President

TEANSTER DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



General Executive Board

st-

m

IC-

ar-

m-

ur

ıt-

in

ial

nd

ce

ed

nt

on

he

he

nt

se

ort

re

ho

on

to

nd

ost

rk

nis

WILLIAM J. McCARTHY General President 25 Louisiana Ave., N.W. Washington, D.C. 20001 WESIOND L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
255 W. 14th St., Rm. 1201
New York, New York 10011 JOSEPH W. MORGAN Second Vice President 1250 E. Hallandale Beach Blvd. Hallandale, Florida 33009 EDWARD LAWSON Third Vice President 29260 Taylor Rd. Mt. Lehman, B.C., Canada VOX 1V0 ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash. 98109 WALTER SHEA Fifth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 JACK D. COX Sixth Vice President 450 Carson Plaza Drive Carson, California 90746 DON L. WEST Seventh Vice President 50 Bagby Drive Birmingham, Alabama 35209 MICHAEL J. RILEY

Birmingham, Alabama 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Callf. 90015
T.R. COZZA
Ninth Vice President
625 Stanwix St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
FRANCIS W. HACKETT
Eleventh Vice President
544 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelfth Vice President
55 Louisiana Ave., N.W.
Washington, D. C. 20001

Washington, D.C. 20001
MITCHEL LEDET
Initeenth Vice President
2207 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wyandotte, Michigian 48192
JACK B. YAGER
Fifteenth Vice President
8801 E. 637d Street—Suite 208
Kansas City, Missouri 64113

Trustees
BEN LEAL
185 Berry St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

July 1990

Volume 87, No. 7

- 2 Civil RICO Costs Mount Cumulative expenses top \$12 million
- 3 Support Builds for Overnite

 Members pledge assistance in campaign
- 6 Central Conference Convenes Meeting Rep. Clay criticizes government for interference in Teamster affairs
- 10 Construction, Moving and Storage Divisions Meet Trade divisions mark 27th anniversary
- 15 Former Teamster Leader Honored D.C. playground dedicated to Vice President John Cleveland
- 16 Update on Holly Farms/Tysons Foods Teamster leaders meet to discuss strike situation
- 20 Canadian Local Organizes Limo Drivers Progressive agreement breaks new ground
- 22 Pan Am Workers Stage Massive Protest Airline division members picket annual stockholders' meeting
- 26 Report XIII to Teamster Members
 A message from the Independent Administrator
- 30 Order of the Court
 Ruling of Judge Edelstein



6



10



16

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Civil RICO Costs Top \$12 Million!

he civil RICO suit has cost the International Brotherhood of Teamsters a grand total of \$12,064,258.28 through June, 1990. The IBT has determined that the court-appointed officers themselves have cost \$1,718,505.14 in fees and expenses since March, 1989. As the court officers report below reveals, their staff and consultants number 25 individuals. This is nearly double the staff thought necessary under the IBT's previous monitorship, which cost the Union \$692,645 in 26 months of operation from January 31, 1958 to March 15, 1960.

Civil RICO Expenses

Mudge, Rose & Assoc. \$ 5,989,283.29
Court Appointed Officers 1,718,505.14
Other Legal Fees & Expenses 2,887,721.95
Magazine Space for Reports and Decisions 1,468,747.90

Total \$12,064,258.28

	Salary	Expenses	Total
I. ADMINISTRATOR	Salary	Expenses	Total
Frederick B. Lacey John E. Converse John J. Cronin, Jr.	\$ 338,028.75 16,000.00 67,680.00	\$ 14,913.43 295.31 2,265.77	\$ 352,942.3 16,295.3 69,945.3
	\$ 421,708.75	\$ 17,474.51	\$ 439,183.
II. INVESTIGATIONS OFFICER			
Charles M. Carberry Michael Campbell Matthew Devine Robert W. Fischer, Jr. Robert Gaffey Paul D. Kelly Michael Moroney Richard Murray Timothy O'Brien Frances Saurino Sills Cummis & Assoc John Skala Raul Valles Murray Weinman Alfred Wilson David Witwer	\$ 299,150.75 51,371.23 55,322.56 38,010.74 39,666.66 58,333.31 58,333.31 44,741.65 22,954.18 35,443.55 526.80 51,371.23 38,010.74 6,600.00 56,250.00 8,750.00	\$ 30,381.38 1,641.31 2,058.11 164.73 -0- 1,753.45 11,927.91 1,804.50 76.30 404.94 43.00 895.12 149.78 -0- 2,731.61 76.84	\$ 329,532. 53,012. 57,380. 38,175. 39,666. 60,086. 70,261. 46,546. 23,030. 35,848. 569. 52,266. 38,160. 6,600. 58,981. 8,826.
Off P	\$ 864,836.71	\$ 54,108.98	\$ 918,945.
Office Rent	\$ 864,836.71	31,375.48 \$ 85,484.46	31,375. \$ 950,321.
III. ELECTION OFFICER	9 004,030.71	9 03,404.40	φ 930,321.
Michael H. Holland John Donnelly Bell Center for Economic	\$ 146,531.25 2,156.25	\$ 31,939.70 68.63	\$ 178,470. 2,224.
Organizing Joseph M. Jurczak Amy M. Morris Kathleen P. Morrone	67,111.25 33,394.74 15,394.74 9,206.36	1,056.15 10,855.90 25.85 -0-	68,167. 44,250. 15,420. 9,206.
	\$ 273,794.59	\$ 43,946.23	\$ 317,740.
IV. OFFICE SUPPLIES & EXPENSES		\$ 11,259.89	\$ 11,259.
TOTAL	\$1,560,340.05	\$ 158,165.09	\$1,718,505.

Teamsters Rally Support for Overnite Campaign

Responding to General President William J. McCarthy's request for help in organizing Overnite Transportation Company, thousands of Teamster members across the United States have pledged to support the Union by serving on volunteer organizing committees.

McCarthy recently sent a letter to all Teamsters covered by the National Master Freight Agreement, asking for their "assistance in an effort important to all of us. That effort is to organize the non-union freight companies."

Thousands of support pledges are pouring into the organizing office at the International in Washington, D.C., as Teamster freight members are volunteering to work with local union organizing committees by attending organizing meetings, speaking with Overnite employees, and distributing campaign materials.

McCarthy Thanks Volunteers For Support in Campaign

McCarthy sent a letter to each Teamster volunteer, thanking each of them for the support of the organizing drive. "Because of the help we have received from members like you," McCarthy wrote, "the Overnite campaign is off to a strong start. In the few short weeks since we kicked off the organizing drive, we have received hundreds of union authorization cards at the Teamsters headquarters from all classifications of Overnite workers and from all parts of the country."

Enclosed in the General President's letter were several union authorization cards that the freight members could use to approach Overnite employees and solicit their support for the Teamsters Union.

Local unions across the country are reporting that a groundswell of membership support is helping their organizing efforts. International Trustee Harold J. Yates, who serves



Teamster organizers across the United States are contacting Overnite employees, explaining the wage, benefit, work rules, and job security advantages of being covered by a Teamster contract.

as president of Joint Council 32 in St. Paul, Minnesota, called a meeting of the locals in his jurisdiction to discuss the Overnite and Conway Central Express organizing campaigns. National Campaign Coordinator Sam Stintsman spoke at the gathering. Over 800 members attended and promised to support

the Union's efforts.

"I am deeply gratified by the extent of the membership's support for the Overnite campaign," McCarthy said in an interview. "Organizing the nonunion freight companies is a top priority of this Union, and I think we are going to be successful."

San Jose Teamsters Picket "Ready-Mix"



In an effort to revitalize unionization among Ready-Mix drivers, Local 287, San Jose, CA, has started an aggressive picketing, organizing, and consumer-awareness campaign in the greater San Jose area. Local 287 has well over 200 members employed as Ready-Mix drivers and is committed to reorganizing the Ready-Mix segment of the local's construction industry work.

About the Gover . . .

The Liberty Bell is the symbol of freedom throughout the entire world. It was cast in London, England, at the White Chapel Bell Foundry, and arrived on September 1, 1752, in Lhiladelphia, Lennsylvania. The colony had ordered it, so it could be used to commemorate the 50th Anniversary of William Lenn's "Charter of Lrivileges." This Charter ensured freedom to the citizens of the colony of Lennsylvania. Inscribed on the Liberty Bell is a verse from the Old Testament of the Bible—Leviticus, Chapter 25, Verse 10: "Lroclaim Liberty Throughout The Land Unto All The Inhabitants Thereof."

The bell cracked during its first tolling. It was recast by Lhiladelphia Foundrymen Lass and Stow, who attempted to achieve a satisfactory tone.

After it was recast, it hung for many years in the Tower of the Lennsylvania State House, later renamed Independence Hall. It tolled the hour and was used to call meetings and special celebrations. In September, 1777, during the Revolutionary War, the Liberty Bell was removed from Lhiladelphia and hidden at Zion Reform Church in Allentown, Lennsylvania. According to tradition, the bell cracked in 1835 during the funeral of U.S. Chief Justice John Marshall.

It hangs from its original yoke, and to this day, symbolizes freedom to all peoples of the world.

On January 1, 1976, the Liberty Bell was moved from Independnce Hall to its own glass-enclosed pavilion at Liberty National Lark in Lhiladelphia.

Scranton Teamsters Support Friend of Labor



The Executive Board and officers of Teamster Local 229, Scranton, PA, gathered recently to show their support for a longtime friend of labor, State Representative Frank Serafini (second from left). Among other key issues, Serafini has backed Pennsylvania Teamsters' position on the Commercial Drivers License legislation. Pictured with Serafini are (from left): Local 299 Business Representatives Jack McGrail and Daniel Schmidt; Secretary-Treasurer Paul Weber; and Business Representatives Joseph Mecca and John Monahan.

McCarthy has made passage of legislation to ban employers from hiring permanent replacements during a labor dispute the Union's number one priority for 1990.

He has urged all Teamsters affiliates, as well as all AFL-CIO affiliates, to throw their full support behind two bills on Capitol Hill, which would ban the hiring of scab workers during strikes.

U.S. Representative William Clay (D-MO) and U.S. Senator Howard Metzenbaum (D-OH) have introduced legislation in the House of Representatives and the U.S. Senate—H.R. 3936 and S. 2112, respectively—that would, if made the law of the land, prohibit employers from hiring permanent replacements during a labor dispute and would prohibit them from offering preferential benefits to strikers who cross the picket line and return to work.

All Teamsters Urged To Contact Congress

McCarthy has urged each and every Teamster member and Teamster retiree to write to his or her member of Congress, urging the legislator to support the Clay/Metzenbaum bills.

Because the Teamsters General President heads up the Union with the nation's largest political action committee (PAC) war chest, and because the Teamster leader will refuse to give DRIVE contributions to any congressional candidate who votes against passage of this legislation, his voice is being heard.

The nation's news media have learned of McCarthy's decision involving these two bills. The following news article was carried in *The Washington Post* on May 20, 1990.

Teamsters' Legislative Priority Gets Top Billing

Battle Promised on Replacement Workers

By Frank Swoboda Washington Post Staff Writer

nt

ers ehe or

af-

[0

ng

ay

rd

0-

of

n-

e-

de

n-

te

of-

ri-

nd

nd

ng

.y/

th

n

nd

ill

15

O. ER illy McCarthy doesn't care much for replacement workers. So this month the president of the 1.6 million-member Teamsters union—which has one of the biggest political war chests in this American labor movement—decreed he would not give a penny to any congressional candidate who stood in the way of legislation banning the use of replacement workers in strikes.

The legislation McCarthy is pushing was introduced earlier this year by the chairmen of the labor subcommittees in the House and Senate. If passed, it would bar employers from hiring permanent replacement workers during a strike or allowing any temporary replacement workers to take the jobs of union members once the strike has been settled.

The proposal is the newest legislative weapon of organized labor to fight against a smattering of companies, from airlines to professional football teams, that have freely used replacement workers to break strikes.

Ironically, employers have had the right to hire permanent replacements for more than half a century under a 1938 Supreme Court ruling. But until the early 1980s—and the hiring of replacement workers by President Reagan to break the strike by the government's air traffic controllers—such action was considered socially unacceptable by most employers.

"Until the 1980s, very few employers chose to exercise their right

to hire permanent replacement workers, in large part because permanently replacing workers was viewed as unacceptable conduct by the general public," Sen. Howard Metzenbaum (D-Ohio) wrote in a "Dear colleague" letter earlier this year seeking support for the bill.

Metzenbaum said that "since 1981, tens of thousands of strikers have been permanently replaced. Not surprisingly, the 1980s also saw a decline in the number of strikes. Workers, knowing that permanent replacement was a very real risk, were much less willing to exercise their right to strike."

As a result, Metzenbaum and key union leaders argue, the balance of power in labor relations has been tilted in favor of the employer.

The proposed legislation also would mitigate the impact of the Supreme Court decision last year that gave preferential treatment to strikers who crossed a picket line and returned to work. In that case, involving Trans World Airlines, union members who crossed the pickets were given seniority rights over workers who came back after the strike.

Metzenbaum said the legislation would "restore balance to the collective bargaining process" and "restore the right to strike to its correct status as a legitimate economic weapon for workers."

Metzenbaum's labor subcommittee is expected to hold hearings on the proposal next month.

Sen. Edward M. Kennedy (D-Mass.), chairman of the Senate Labor and Human Resources Committee, said the bill "will allow the Senate to begin the long-delayed

effort to craft a law which truly balances the interests at stake in labor disputes without unfairly tilting the scales." Kennedy is a cosponsor of the bill with six other senators.

No one within organized labor sees quick action on the legislation. Some predict it could take several years before congressional approval could be won. But a spokesman for the AFL-CIO said, "There's more of a gut feeling on this issue among the labor leadership than on almost any other issue."

He candidly admitted that the push for the legislation has barely begun. And if organized labor had the kind of political muscle to get it passed quickly in Congress, it probably wouldn't need the bill.

But McCarthy isn't willing to wait. An aide said the Teamster president plans to push hard on the bill immediately. "He really intends to make this the big thing this year," he said.

Although management lobbyists agree the bill is not apt to go anywhere soon, they warn that it could pop up anytime organized labor wants to make a test of support.

"It's an issue where the blood boils very quickly," said a lobbyist for the National Association of Manufacturers. "It's an issue where the AFL-CIO could get very monolithic because it's an issue that affects all segments of the labor movement."

He said the NAM has been warning its members that "we don't see anything moving quickly, but keep your eye on it. This could be a test issue" for labor.

© The Washington Post

Successful 22nd Central Conference Meeting Hears from Major Politicos

Congressman Clay Pitches Replacement Worker Bill and Says: "Let Teamsters run Teamster affairs."

Teamsters, representing nearly one-half million members, convened in St. Louis, Missouri, on May 7–11, for its 22nd Areawide Meeting. Some 325 delegates heard addresses by Teamster leaders and political officials, and participated in division meetings and workshops throughout the weeklong conference near the site of the famous Gateway Arch.

Robert C. Sansone, president of Joint Council 13, called the meeting to order and presented, with St. Louis Mayor Vincent C. Schomehl, Jr., a plaque and proclamation from the city of St. Louis and the Missouri legislature to General President William J. McCarthy.

In his remarks to the delegates, President McCarthy noted that the Central Conference members are



U.S. Representative William Clay (D-MO), a longtime friend of the Teamsters Union, addressed the crowd.

part of the backbone of this union, representing the largest, most powerful voice for workers in the world. He went on to state that the Overnite campaign has started rolling nationwide. "We can win this fight if we have the cooperation and resources of all of you here in the Central Conference and in our other conferences," McCarthy told the delegates. Regarding the UPS contract, he stated that this was not an easy negotiation. But, he stressed, "we are pushing hard for the best contract for all 147,000 UPS members."

McCarthy Urges Support For Replacement Worker Bill

President McCarthy saved his strongest appeal for the replacement worker legislation that is currently pending before Congress. Noting that the author and sponsor of that important legislation now before the U.S. House of Representatives, was sitting with him on the dais, Billy told the delegates, "I urge each and every one of you to join Congressman William Clay (D-MO) in supporting this legislation in every way and

pass this anti-scab bill." He concluded that if a member of Congress did not support this bill to allow striking workers to return to work after the strike is over, he or she cannot expect to get one cent from Teamster DRIVE in that candidate's next reelection effort.

Clay Tells Teamsters: "Run Your Own Union"

Congressman Clay stated that by offering this legislation he was joining with the Teamsters in helping maintain and improve the standard of living and quality of life for all American workers. "It is time to restore fairness," Clay said "and stop scabs from permanently replacing strikers. After the air traffic controllers hired permanent replacements, many others followed suit. The strike needs to be reelevated back to the ultimate weapon instead of being used as a tool of the employer. My bill will stop this insanity," Clay told a roaring crowd. The Congressman, as a true friend of labor and the Teamsters, went even further, stating that he was aware that the



General President William J. McCarthy addresses delegates at the Central Conference of Teamsters Meeting in St. Louis. Also seated on the dais are (from left): General Secretary-Treasurer Weldon L. Mathis; Joint Council 13, St. Louis, MO, President Robert C. Sansone; Central Conference Director Daniel C. Ligurotis (partially visible); International Vice President George J. Vitale; and State of Kentucky Joint Council 94 President Marion Winstead.



Representative Richard Gephardt (D-MO), a champion of labor issues in Congress, was on hand at the meeting.

Government had placed as Independent Administrator within the Teamsters. "What a shame," Clay declared. "What a miscarriage of justice." In conclusion he told the delegates of his feelings that Congress and Teamsters everywhere should tell the Government to get out of Teamster affairs: "Don't let them tell you how to run your Union," he said to thundering applause.

Gephardt Addresses Trade Deficit Problems

ne

ne

of

ay

ne

Following Clay, the Conference was addressed by another member of the Missouri Congressional delegation—Congressman Richard Gephardt (D-MO). Addressing important trade deficit problems, Gephardt told the delegates that the nation needs new policies, including increased funding for education and research in order to compete in the workplace. "It is time we tell the Japanese if you can bring your products here, we have to be able to sell our products there." Gephardt concluded, "Today we are not competing internationally, we are going downhill and something must be done to prevent this slide."

In another Teamster address, General Secretary-Treasurer Wel-



(From left): Central Conference of Teamsters Policy Committee members Harold Yates, Don Sawochka, and Jack Yager.



General President McCarthy speaks with Central Conference delegates.

don L. Mathis joined President McCarthy and Congressman Clay in supporting important replacement legislation. "Companies today are replacing strikers as fast as they can," Mathis said. "This trend has continued because of the political climate we live in."

General Secretary-Treasurer Mathis also decried the high cost of health care in the nation today and stated that it will take a serious effort by every member of the Teamsters Union to encourage Congress to correct the health care crisis that exists throughout America. "Currently we are being robbed by doctors and lawyers," Mathis stated. "Something must be done about a national health care program." In reporting on the financial state of the Union, General Secretary-Treasurer Mathis announced that some cost-saving measures recently implemented helped to slow down losses incurred in the previous decade. He predicted that the Union would be able to maintain another five years without an increase in per-capita tax and would so recommend at the 1991 Convention.

Ligurotis Says Conference Prepared to Service Locals

Daniel C. Ligurotis, director of the Central Conference of Teamsters, was presented with the gavel as chairman of the meeting by host Local 682 President Robert Sansone. Ligurotis introduced the General Executive Board and other dignitaries in attendance, including state officials and members of the legislature from Missouri and Illinois.

In his "state of the conference" address, Ligurotis noted that through growth and experience throughout the 1980s and into the



(From left): International Vice Presidents R.V. Durham and Frank Hackett, and International Trustee Robert DeRusha.

Central Conference Meeting (continued)



International Vice President and Eastern Conference Director Joseph Trerotola addresses the delegates. Seated (at left) is J.C. 13 President Sansone.



(From left): International Vice Presidents Michael J. Riley and Mitchel Ledet.



Canadian Conference Director Louis Lacroix brought greetings from Canadian Teamster members.

1990s, the Conference is better prepared to service locals and better serve Teamster members. Telling the delegates that "our children are our greatest resource," Ligurotis challenged the Conference to get involved to make the nation and the Union even greater. "The challenges are great," he told the delegates, "but with justice, compassion, and fairness for all working people, we will be successful."

IBT Conference Directors Sound a Similar Theme

Other Conference directors in attendance sounded a similar theme. Eastern Conference Director Joe Trerotola told the delegates, "We have never run away from a fight and today in tough times we must stand together." Southern Conference Director Joseph Morgan predicted that Teamsters would be the model for trade unionism in the future and that by the 1991 Convention the Union would be able to say that it is, 'best by Government test.'"

Western Conference Director Arnie Weinmeister implored the delegates to stay active, politically. If not, he said, "We can be legislated right out of business." He predicted that the 1990s would be better for all Teamsters. Bringing greetings from Canada, Canadian Conference Director Louis Lacroix discussed the friendship of his conference on an international basis, as well as the importance of the free trade agreement to Canada and the U.S. "We in the Teamsters have a new 'free-trade committee.' which is the only kind in the labor movement," he said, "and this will be valuable in educating our members and in, hopefully, protecting and increasing jobs."

IBT, Political Dignitaries Attend Conference Dinner

At the Conference dinner, delegates and guests were addressed



St. Louis J.C. 13 President Robert Sansone (left) presents a plaque of the city to General President McCarthy, in commemoration of the meeting. Seated (at right) is Central Conference Director and International Vice President Daniel C. Ligurotis, who received a similar memento from the delegates.

je

SI

h

tl

n

by Neil F. Hartigan, Attorney General of Illinois and candidate for the state's governor's seat. In addition to the many state officials in attendance at the Conference, the delegates also had an opportunity to meet and discuss mutual problems with members of the General Executive Board who were present.

In addition to the Conference directors, this included Vice Presidents Walter Shea, Michael Riley, Frank Hackett, R.V. Durham, Mitchel Ledet, George Vitale, Jack Yager, Ed Lawson and Jack Cox, as well as International Trustees Ben Leal, Bob DeRusha, and Harold Yates.



(From left): International Vice Presidents Joseph W. Morgan and Walter Shea.

New Evidence Shows Increased

Lung Cancer Risk for Teamster Drivers

Scientific researchers from the National Institute for Occupational Safety and Health and the National Cancer Institute have found evidence of increased lung cancer risk among truck drivers.

The government study, begun in the early 1980s, compared 996 now deceased Teamsters who had held in jobs with exposure to diesel exhaust with 1,085 deceased Teamster members who had worked in jobs without diesel exhaust exposure. All of the workers studied had been Teamster members for at least 20 years, and had applied for pensions from the Central States Southeast and Southwest Areas Pension Fund. They died in 1981 and 1982.

Long-Haul Truckers at Risk

Using work histories that had been filled out by these Teamsters when they applied for their pensions, the researchers calculated that those with long-term employment as long-haul truckers after 1959 had about a 55 percent greater risk of lung cancer death than Teamsters in jobs without diesel exhaust exposure. (The year 1959 was used to represent the approximate time when diesels replace gasoline engines in heavy trucks.)

The researchers also contacted wives and other next-of-kin of these workers, to get information about the kind of work they had performed and about cigarette smoking. Using this information, the scientists report that long-term drivers of primarily diesel trucks had about 89 percent higher risk of lung cancer than Teamsters not exposed to diesel exhaust.

The study used the information from the wives and next-of-kin to make adjustments in the study, so that any differences in smoking should not be the cause of the differences in lung cancer rates.

Mechanics had "marginal elevated risks of lung cancer," the researchers report. However, the number of mechanics in the study was too small to get reliable results. The scientists also point out that they tried to take into account possible cancer risks from the mechanics' exposure to asbestos, but were uncertain about success in this area.

Local Drivers Also at Risk

There is some evidence of increased lung cancer risk for local drivers, the researchers report. Dockworkers actually showed up with slightly less lung cancer risk than the Teamsters in the "control group." (These dockworkers died before the introduction of diesel forklifts.)

Teamsters Vice President and National Freight Director R. V. Durham was involved with this study from the very beginning, as Safety and Health director of the Union. "Although we waited a long time, I think we have gained valuable information," he noted, adding: "This also shows us what valuable information there is, in the records of our pension and health and welfare funds. In the future, we need to look for more opportunities to use this information, to work toward better health for our members."

The research report was published in the June issue of the American Journal of Public Health. The authors acknowledged the valuable help they received from the Pension Fund and its staff.

New York Teamsters Receive Safe Driver Awards



Three Local 649, Falconer, NY, package delivery drivers employed by United Parcel Service at the Olean, NY, center, have been honored for 25 years of safe driving without an accident. Pictured above (from left) are: members David Young and Raymond Callen, and Steward David Dry.

Building Material and Construction/Household Goods, Moving, Storage Trade Divisions Meet



(From left): Area Conference Chairmen/Directors Joseph Kumstar (Central); Bobby Sasso (Eastern); Al Marinelli (Canadian); host Phoenix, AZ, Local 104 Secretary-Treasurer Robert E. Perrine, and Building Material and Construction Division Director Tom Kellerhuis.

arking its 27th anniversary, the IBT Building Material and Construction Trade Division convened its annual meeting from April 23-27, 1990, in Scottsdale, Arizona. In keeping with a longtime tradition, the IBT Household Goods, Moving and Storage Trade Division held its annual meeting jointly with the Construction Division, From the onset, the joint annual conference generated a meeting of the minds, with experts from virtually every field with a vested interest in these industries on hand to talk with the delegates. There was discussion by the speakers and the delegates of every topic relevant to members in the two Divisions, preparing the delegates for the challenges to be faced by their members and locals during the coming year.

Building Material and Construction Trade Division Director Tom Kellerhuis brought the annual meeting to order, introducing the first of a host of Teamster VIPs and guest speakers who would address the delegates.

Guest Speakers Bring Delegates Up-to-Date

Teamsters General Secretary-Treasurer Weldon L. Mathis, a past director of the Construction Division, discussed health care costs in the United States and mentioned how these costs had caused a 15– 16 percent increase in Teamster health and welfare expenditures. Mathis also detailed the 1987 favorable turnaround in the Union's membership figures, saying the trend remained favorable.

International Vice President Edward M. Lawson updated the delegates on the whys and wherefores of Bill C-21, the Canadian government's proposed reform of unemployment insurance, advising that the Canadian Conference has been in the forefront nationally in opposition to the proposed reforms.

Also on hand were International Vice Presidents Don L. West and Michael J. Riley. West congratulated the delegates for their successes in organizing and in resolving jurisdictional disputes with other crafts. Discussing the rock and sand industry and the growing trend of foreign ownership of the material supply industry, Vice President Riley advised the delegates that the Teamsters Union needed "to develop solid pacts with other unions" in order to countervail against the anti-unionism of the foreign firms.

From the Western Conference of Teamsters headquarters, Cindy Zehnder, coordinator for Teamsters Joint Council 28 in Seattle, Washington, came to speak with the attendees. She gave an overview of the industry-wide problem of contractors' purchasing from nonunion material supply companies and thereby avoiding paying prevailing wage rates. Zehnder ad-



More than 225 delegates attended this year's annual conference, making the meeting the best-attended in the history of the Division.



(Standing at rostrum): Cindy Zehnder, coordinator for Teamsters Joint Council 28 in Seattle, Washington, discussed the problems concerning contractors purchasing from nonunion material supply companies.

vised that, "material handlers should come under prevailing wage rates, if deliverers get involved in any phase or operation of a construction project."

IBT Departments Represented at Meeting

n-

n-

at

en

al

nd

1-

C-

ng

10

n

h

m

ly

Bringing news from Capitol Hill was IBT Director of Legislation David A. Sweeney. Child-care legislation, the Clean Air and Amtrak Authorization Bills, the Hatch Act and campaign finance reform, the recent health care recommendations from the Pepper Commission, and Bill 4261 involving intrastate deregulation, were among the various legislative proposals and concerns detailed by the Teamsters' legislative expert.

Hazardous waste cleanup and drug-testing regulations have become two of the most important concerns for members in the building material and construction industries. To discuss these issues at great length was IBT Acting Director of Safety and Health Vernon McDougall. McDougall discussed anticipated funding for hazardous waste cleanup training, possibly available through the Superfund Amendments and Reauthorization Act, and he praised the Division

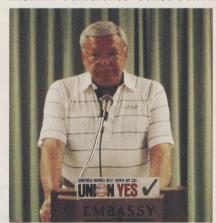
for its involvement in developing the "Laborers'/Operating Engineers/Teamsters Agreement" (LOT). He also filled the delegates in on the impact of the most recent preemployment and postaccident drug-testing regulations.

IBT Attorney Patrick Riley was available to brief the delegates on the Division's problems with owner-operators and how the federal Internal Revenue Service's (IRS) interest in owner-operators had mushroomed in the recent past. He recommended that construction affiliates "develop a close working relationship with local IRS offices in order to help remedy the Division's longtime problem with

owner-operators. According to Riley, the IRS uses "20 Common-Law Factors" for investigating the employee/contractor question.

Representing the IBT Department of Economics was Staff Economist Michael Conyngham, who gave a rundown of the household goods, moving and storage industry. His remarks covered the finances of the major corporations, the trend for increased unionization due to the conversion of workers from owner-operator status to employee status, and anticipated improvements in working conditions for drivers.

Calling for cooperation was Eastern Conference Construction



Thomas Owens, administrator, General Presidents' Committee on Contract Maintenance, Building and Construction Trades Department, AFL-CIO.



(From left): Central Conference Construction Division Chairman Joseph Kumstar; Eastern Conference Construction Division Director Bobby Sasso; Canadian Conference Construction Division Director Al Marinelli; and National Joint Heavy and Highway Construction Committee Director Terry Bumpers (standing at rostrum).

Construction, Moving and Storage (continued)



(At dais, from left): Area Conference Construction Directors/Chairmen Joseph Kumstar (Central); Bobby Sasso (Eastern); Al Marinelli (Canadian); Host Phoenix, AZ, Local 104 Secretary-Treasurer Robert Perrine; IBT Director of Legislation David A. Sweeney; and Building Material and Construction Division Director Tom Kellerhuis.

Director Bobby Sasso, who explained the increased importance of stewards in supporting household goods, moving and storage locals. He suggested that this Division remain under the auspices of the Building Material and Construction Division. Western Conference Division Chairman Gary Dixon, bringing greetings from International Vice President Arnie Weinmeister, director of the Western Conference of Teamsters, concentrated on the need for cooperation among affiliates to prepare and train members for hazardous waste cleanup work. "There is literally billions of dollars of work nationwide," he said, "and we need to train, target, and organize."

With news about construction activity on a province-by-province basis was Canadian Division Director Al Marinelli. Taking the opportunity to praise Canada's national health care system, he urged the delegates and the International to "push for a similar program for the United States." Central Conference Division Chairman Joseph Kumstar briefed the delegates on the status of the Division in his area, discussing various affiliates' problems with jurisdictional disputes as well as a number of important organizing targets.

Industry Experts, IBT Allies Address the Conference

To give the delegates yet another

perspective on industry-wide and regional trends in the construction and moving and storage industries. Division Director Kellerhuis had invited various experts in related fields to talk with the delegates. Longtime Teamster friend and supporter, Terry Bumpers, director of the National Joint Heavy and Highway Construction Committee (NJHHCC), urged the delegates to comply with all of their Davis-Bacon Act responsibilities in order for their members to get full benefits of Davis-Bacon Act provisions. In his remarks on the problems of contractors being unionized in certain states and nonunion in others, Bumpers advised the delegates "to nail them down on a job-by-job basis-for bonding purposes." Bumpers also let the delegates know of the existence of a "Trust Document" from the NJHHCC, and said it was available from the Construction Division's offices at the International.

Another important Teamster ally, Ron Kennedy, executive director of the Los Angeles County Building Trades, was at the conference and discussed the importance to the Division of political action on both the state and federal levels. Additionally, he informed the attendees of problems with nonunion work being done at military bases and at refineries, suggesting that potent and protracted polital action might help remedy that problem.



Arizona Teamsters Apprenticeship and Training System Instructor Floyd Wyatt (right) explains the driver training program to Canadian delegate Gordie Clifford, trustee of Local 979 in Winnipeg, Manitoba.



Host Phoenix, AZ, Local 104 Secretary-Treasurer Robert Perrine had arranged for the Arizona Teamsters Apprenticeship and Training System to be available.

Inasmuch as hazardous waste cleanup has become a national priority and all Teamster involvement in hazardous waste work has been assigned by General President William J. McCarthy to this Division, the topic received considerable attention during the five-day conference. A recognized expert in this field. Neil Thursby, associate director for hazardous waste training programs at the Laborers' International Union of North America, shared his experience with the delegates. Thursby's program has benefited a number of Teamsters, but he recommended that the Division, upon receiving hoped-for grant money, set up its own. His recommendations concerning the structuring of all phases of training were of great interest to the attendees and generated extensive discussions by the delegates.

nd

ed

to

Also on hand were Administrator Steve Roots of the National Basic Trades Committee (NBTC) and Senior Vice President William Bell of the Bechtel Construction Company of San Francisco, California. Roots' remarks concentrated on his Committee's data base system, which helps the Division target jobs and notify contractors of the availability of Teamster workers. "A priority of the NBTC is to get work for unionized workers in right-to-work states," Roots said. From another vantage point, Bell suggested to the delegates that they seek a stronger working relationship with management and work together toward common goals. "The reliability of a unionized work force is finally being recognized as a fact of life by . . . employers," he said. "What's important and significant is that when we work together, and work with enlightened owners, we can recapture a market and rebuild a position in an industry."

For the annual meeting, Division Director Kellerhuis had gathered experts from every organiza-

tion with which the two Divisions have professional associations and from organizations from which construction and moving and storage locals stand to gain. Kellerhuis, along with the Teamster Area Conference Construction Division chairmen and directors, kept the speakers channeled in specific and targeted directions for addressing the pressing concerns and questions of the delegates.

The delegates' consensus was

that the Division put together one of the most successful and informational meetings since the founding of the Division. The many Teamster guest speakers and experts from the government, organized labor, and the private sector provided valuable information for the delegates to use at their home locals and affiliates. Throughout all proceedings, there was a solidarity that will serve the Division well into the future.

Scranton Teamsters Show Support For Striking Bus Drivers



Members of Teamsters Local 229, Scranton, PA, recently showed their support for striking members of the Amalgamated Transit Union, AFL-CIO, by sponsoring a rally at the Greyhound Bus Terminal in Scranton. Officers and business representatives of the local, along with hundreds of Teamster members and their families, and members of the International Brotherhood of Electrical Workers and the Scranton Mailers Union, attended the rally. Local 229 Secretary-Treasurer Paul Weber (above) addressed the crowd, pledging Teamsters' support for the right of their fellow union brothers and sisters to strike and to set up picket lines.

Replacement Worker Legislation a Key Concern At AFL-CIO Executive Council Session

eamsters General President William J. McCarthy, who serves as a member of the AFL-CIO Executive Council, recently attended a meeting of the Federation's ruling body at AFL-CIO headquarters in Washington, D.C.

Key among the issues addressed by the nation's labor leaders was concern for workers' right to strike under the National Labor Relations Act. Urging his fellow unionists to fight back against anti-labor forces that advocate the hiring of permanent replacements for striking workers, McCarthy called upon his colleagues on the Council to join the Teamsters in launching grass roots offensives to protect their members' right to strike.

McCarthy Emphasizes IBT's Concern on Issue

At the meeting, General President McCarthy told his fellow union leaders that the Teamsters Union has set the replacement worker issue as its "number one legislative priority for 1990." He advised Council members that the IBT is withholding campaign contributions from any member of Congress who does not support strike-breaker legislation in the House



General President McCarthy reviews handout materials at meeting of the AFL-CIO Executive Council.



The Executive Council of the AFL-CIO met in session recently at the Federation's Washington, D.C., headquarters. General President McCarthy, a Council vice president, is shown seated, fourth from right.

(H.R. 3936) and in the Senate (S. 2112). That decision was announced to Teamster members in the "President's Message" which appeared in the April 1990 *International Teamster*.

Other Action By the Council

In other action, the Council:

• discussed the Federation's national health care campaign, making a pledge to "expose the dimensions of the nation's health care crisis for the rest of 1990, and as far into the future as it takes to get a solution through Congress."

 agreed to intensify the boycott campaign of Shell Oil Co.;

• pledged its support for the Holocaust Memorial Museum and the American Labor Museum.

• authorized the spending of \$4 million for the production of television announcements as part of the Federation's "Union Yes" campaign:

• honored longtime friend of labor Representative Gus Hawkins (D-CA), who retires from Congress at the end of the current session;

• pledged its full support to the independence movements in Lithuania, Latvia, and Estonia; and

• heard from Justin Dart, chairman of the President's Committee on Employment for Disabled Americans, who presented the Committee's Distinguished Service Award to the Federation for supporting programs and legislation that help disabled workers.

Teamster on Advisory Board

rizona Teamster Gilbert H. (Gil) Torres, a business representative for Local 104 in Phoenix, was recently appointed by Arizona Governor Rose Mofford to serve on the State's prestigious Motion Picture and Television Advisory Board. It is the first time a union representative has ever been appointed to serve on the Board.

Before becoming a business representative for Local 104, Torres served as secretary-treasurer of Teamster Local 83. The two locals merged in 1989.

Washington, D.C., Children's Playground Dedicated to Former Teamster Vice President

Teamsters General President William J. McCarthy recently attended the opening ceremony of the Kingman Playground, which is dedicated as a memorial to the late International Vice President John H. Cleveland. The facility is a children's playgound in Northwest Washington, D.C., not far from the International headquarters. There could be no more fitting and proper living testament to John H. Cleveland.

The playground is in the heart of an all working-class neighborhood, where the children of the metropolitan area love to play.

Facility Provides Place For Youngsters to Meet

Adjacent to the Kingman out-door play area is the Kingman Boys and Girls Club of Greater Washington, D.C. The land on which the playground and boys and girls club are situated was donated by the family of Mrs. Winfred Lamb Peters.

The Kingman boys and girls club was started back in 1970, and encompasses 5,500 square feet. This co-ed club is an inviting place for children between the fourth and ninth grades to meet other chil-



General President William J. McCarthy greets a crowd of children from the Kingman Boys and Girls Club at the play area dedicated to John H. Cleveland.



At the Kingman Boys and Girls Club in Northwest Washington, D.C., a plaque on the main door proclaims the playground's dedication to the late International Vice President John H. Cleveland. (From left): International Vice President Teddy Cozza, Eula Cleveland, and General President William J. McCarthy.

dren and to be entertained in an adult-monitored environment.

The boys and girls club has many activities for these youngsters which include a library, computer room, training room, photography studio, theatre, teen lounge, and a game room. In addition, tutoring is available in the summer months.

There were a number of Teamster notables and other VIPs present to share in the dedication ceremony, including Eula Cleveland, Vice President Cleveland's widow.

Cleveland Praised For Lifetime Commitment

The dedication plaque on display at the playground bears an inscription which was directed by Mrs. Cleveland: "John was sensitive to the needs of children because of his own childhood experiences. He was family-oriented and placed great emphasis on education. One of his greatest joys was encouraging his nieces and nephews to further their education. John was a self-edu-

cated man. He loved to read. And for a number of years, he always set aside library time. He learned as much or more through reading as he did through experience."

Teamsters General President William J. McCarthy was one of the honorary guests and the keynote speaker at the dedication ceremony. "John worked long and hard to see to it that the working men and women of Washington, D.C., had the opportunity to pass on a higher standard of living to their children. So it is very fitting that John's work on their behalf is remembered by dedicating this playground at the Kingman Boys and Girls Club in his memory."

Other guests at the dedication ceremony included: Teddy Cozza, International Vice President; Duke Zeller, IBT director of communications; Roosevelt C. Murray, president of Local 730, Washington, D.C.; Ed Kornegay, president of Joint Council 55, Washington, D.C.; and Hugh Beins, attorney.

Joint Council Heads Meet to Discuss Holly Farms/Tyson Foods Strike



(Standing, front): General President McCarthy assures attendees that the Teamsters will overcome the strike with Holly Farms.

n Tuesday, May 22nd, a number of Teamster Joint Council principal officers met at the International headquarters in Washington, D.C., to discuss the ongoing problems between Teamsters and Holly Farms Foods, Inc./Tyson Foods, Inc. Chairing the meeting was International Vice President R.V. Durham.

Vice President Durham's home local, Teamsters Local 391 in Kernersville, NC; Local 29, Crozet, VA; Local 71, Charlotte, VA; Local 355, Baltimore, MD; Local 592, Richmond, VA; Local 657, San Antonio, TX; and Local 988, Houston, TX, declared a boycott of Holly Farms back in 1989, when Holly Farms stopped paying drivers for the time they had to wait while their trucks were unloaded at customers' locations. This action by

the company resulted in considerable loss of income for drivers.

Intolerant of these unfair practices and in need of a collective voice, the Holly Farms drivers and yardmen voted 210 to 71 in favor of becoming Teamster members. In March, 1989, the U.S. government certified the Teamsters as their bargaining agent. The workers continued to be victimized by the company, however, and unfair labor practices became more and more virulent.

All efforts at the bargaining table were futile. In September, 1989, the Union was informed that Tyson Foods would operate the transportation division, and that the employees were no longer represented by the Teamsters. This reduced each driver's pay scale to the Tyson Foods level, with decreases in earnings of as much as \$6,000 per year.

On October 1, 1989, due to the unfair labor practices of Holly Farms/Tyson Foods, the drivers and yardmen were left with no recourse but to strike.

Boycott Goes National

With this eight-month strike still going on, and with the approval and backing of Teamsters General President William J. McCarthy as well as of the AFL-CIO, the Teamster locals feel that it is time to

expand this boycott of Holly Farms/ Tyson nationwide.

One reason for expanding this boycott, according to IBT National Warehouse Division Director Tony Lock, is to derail whatever intentions Holly Farms might have of using these tactics elsewhere. Locke also said that the Teamsters' goal is to get the message out to all Teamster joint councils about the problems with Holly Farms.

Bruce Blevins, secretary-treasurer for Local 391, gave the joint council presidents an overview of all that his local and other locals in both North Carolina, Virginia, and Texas have gone through with the Holly Farms situation. The locals, Blevins explained, believe that one key to their success will be to close ranks with all other Teamster locals, as well as with the United Food and Commercial Workers Union.

Durham noted, "If we could get a win with Holly Farms, we would be very much ahead of the game. This company produces one out of every four chickens in the nation today."

One suggestion offered at the session was to inform Teamster affiliates of the deliberations at this meeting and to assign a liaison between affiliates and the joint councils exclusively for the Holly



(Pictured from left): General President William J. Mc-Carthy, International Vice President R.V. Durham, and National Warehouse Division Director Tony Lock.



Attendees of the Holly Farms meeting held at the International headquarters in Washington, D.C., listen as suggestions are made on handling the eight-month strike/boycott situation.

Bruce Blevins, secretary-treasurer of Local 391, Kernersville, NC, gives an updated report on the present situation concerning the Holly Farms/Tyson Foods strike and boycott.

Farms problem. This was subsequently approved by the General President. Another suggestion was to let Tyson Foods know that the Teamsters Union intends to fight for its members—that once the commitment is made the Union will pull out all the stops to protect its members employed by Holly Farms/Tyson.

International Vice President Walter Shea said that the Teamsters would make an appeal to the AFL-CIO Executive Council to support the IBT with this problem. Shea said, "We need a commitment on the part of all levels of labor—top to bottom."

Teamsters General President William J. McCarthy was on hand at the meeting to offer his advice to the joint council heads on how to handle this strike and the consumer boycott. McCarthy told all of them to work together and not to give up until the Teamsters have won. "We must stick together and win this battle," he said.

Among those in attendance were Fleming Campbell, assistant to the Eastern Conference of Teamsters (ECT) director; Jerry Schultheis, research director of the ECT; Tom Brown, ECT representative; Hugh Beins, attorney; and representatives from the United Food and Commercial Workers Union.

Local 688 Back Pay Award



Local 688, St. Louis, MO, Secretary-Treasurer Ron Gamache (second from right) was pleased to report the highest total settlement for one of its shops in the history of one local. Ten workers who were dismissed by the Doe Run Company (formerly St. Joe Lead) in Herculaneum, MO, for being in violation of this unilaterally adopted drug policy, have been reinstated in their jobs. Local 688 Business Agent Rich Schildknecht (far left), who services the Doe Run unit, estimates that the awards in back pay and fringe benefits will cost the company approximately \$700,000. Pictured (from left) are: Teamsters Schildknecht, Gilbert Moser, Tom Dawes, Don Townsend, Jerry Bishop, Stephen Bisch, Jerry Quillman, Gamache, and Local 688's Chief Steward Ron Herrington of the Doe Run Company.

Back Pay Award



Houston, Texas, Local 968 member Lee Jones (right) is presented with a check for \$74,329 by National Labor Relations Board attorney Tamara Grant. The check was part of a \$200,692 settlement in an unfair labor practices dispute against Grocers Supply Company, Inc. of Houston.

Canadian Teamsters Join Nationwide

Protest Against Unfair Tax

uring an unprecedented nationwide protest against Canada's Goods and Services Tax. a full 80 percent of Canadian Teamsters were heard loud and clear. These 75,000 members joined with more than two million fellow Canadians in expressing their anger at the Conservative Government's proposed tax.

According to a recent opinion poll, the vast majority of Canadians oppose the tax. This regressive and punitive measure adds a seven percent surcharge to virtually all goods and services, with the exception of basic groceries, prescription drugs, and medical devices. If the government ignores the voice of its electorate and rams this tax down the throats of Canadians, it will take effect on January 1, 1991.

In an effort to halt the tax before that fateful day, the Canadian Labour Congress and the "Pro-Canada Network" organized a threeday blitz: the "Campaign for Fair Taxes," held April 7 to 9 this year and registered the opposition of labor and community groups all across the nation.

The massive campaign was mobilized on very short notice, with



(From left): Barbara Lee; Angie Blades; and Melissa Crawford, daughter of Canadian Conference Organizer Mike Crawford, also participated in the campaign against proposed federal Goods and Services Tax.



Canadian Conference Director Louis Lacroix (right) casts ballot to oppose the proposed federal Goods and Services Tax. Photo was taken with Teamster members at a food market in Quebec.

volunteer organizers setting up polling stations across the country-in union halls, public markets, shopping malls, liquor stores, credit unions, transit stations, and churches. From the Atlantic to the Pacific Coast, signatures were collected against the tax. The protesters came out in force: They lined up to register their opposition, chanted "Axe the Tax," and carried placards proclaiming "Fair Taxes—or Death" and "GST Means More Soup Kitchens." Even children caught the spirit and waved "NO GST" balloons. In Ottawa, the nation's capital, another group of protesters carried a coffin-shaped ballot box onto Parliament Hill. News media across the country covered this momentous event.

Some Telling Excerpts:

Shirley Carr, president of the Canadian Labour Congress, said: "We don't mind paying our fair share of taxes, but we do mind

paying what the big corporations aren't paying." (Toronto Star, April 10.1990)

According to an opposition Liberal-party leadership candidate: "... reduce government spending not by cutting social programs, but by cutting government waste. The GST is a very bad tax." (Toronto Star, April 10, 1990)

Audrey McLaughlin, opposition New Democratic Party leader, commenting on Prime Minister Brian Mulroney's determination to push the Bill through: "How can he be so right and 80 percent of Canadians be so wrong!" (Toronto Star, April 10, 1990)

Astounding as it may seem, the government seems determined to ignore the forceful protest of the Canadian people. Despite an Opposition reminder to the Conservative MPs as to who elected them, the tax bill was passed in the Conservative-dominated House of Commons. Following Canadian parliamentary procedure, it now goes to the Senate, where the protest results have provided the senators with a solid mandate to fulfill their constitutional obligations and act in the best interests of the people.

Commenting on this unprecedented vote by the labor movement and the public, Canadian Conference of Teamsters Director Louis Lacroix says: "This should let the Conservative Government know that this is the most unpopular tax ever forced upon Canadians. We've sent an unmistakable message: 'Stop the tax!' We are totally fed up with a system where those least able, shoulder the largest burden. We are not against taxes—we are against unfair taxes. It's time the rich and the big corporations begin paying their fair share!" In thanking Canadian Teamsters for their overwhelming turnout, Director Lacroix assured them their voice would be heard at every opportunity, and that the battle is far from over.

Forecast Price Changes Under Goods and Services Tax

Durable Goods			
Furniture and Carpets	-1.0%		
New Cars	-2.2%		
"Semi-durable" Goods			
Clothing	+5.6%		
Shoes	+4.7%		
Books and magazines	+5.2%		
Nondurable Goods			
Electricity	+6.6%		
Home heating fuels	+7.0%		
Household supplies	-1.7%		
Services			
Laundry/dry cleaning	+6.9%		
Hotel accommodations	+5.6%		
Household services	+6.0%		
Auto related services	+5.2%		
Recreation services	+7.5%		
Restaurant meals	+7.0%		

U.S.-Canada Free-Trade Agreement Committee Meets



On April 17, the Teamsters U.S.-Canada Free-Trade Agreement Committee held a meeting at International headquarters in Washington, D.C. Key representatives from the U.S. government were in attendance to update the committee on the Agreement, with a special emphasis on the Agreement's impact on cross-border trucking. (Clockwise from bottom left): IBT Chief Economist Norman Weintraub; Canadian Conference Policy Committee member Joseph Contardi, cochairman of the Free Trade Agreement Committee; Western Conference Director of Research and Education Mark Endreson; Canadian Conference Research and Legislative Director Ron Douglas; Canadian Conference Policy Committee member David Kozak; South Portland, ME, Local Union 340 President Robert Piccone; Eastern Conference Research Director Jerry Schultheis; Richard Ruzicka, director for Canadian Affairs, Office of North American Affairs, Office of U.S. Trade Representative; and Committee Chairman Rondal C. Owens, president, Teamsters Local 299, Detroit, MI. The next Committee meeting is scheduled for July 17–18, 1990, in Ottawa, Canada.

Teamster Receives Scouting Award



Teamster member Claude E. Kretlow of Local 305 in Portland, Oregon, recently received Labor's highest scouting honor, the George Meany Scouting Award. (From left): Local 305 Secretary-Treasurer Gene Allison; Business Representative Bob Grimes, who sponsored Kretlow for the award; Claude Kretlow; Elizabeth Kretlow, spouse of honoree Kretlow; and President John Trout of Joint Council 37 in Portland.

Canadian Teamsters Local 938 Organizes Pearson International Airport Limousine Drivers

t has been a long and fierce campaign for Mississuaga, Ontario, Local 938 Business Agent Sam Schouten. He started an organizing campaign for the Pearson International Airport Limousine Drivers in 1984, which has lasted six years; he was determined to organize the 280 drivers. The ensuing years resulted in considerable legal opposition from the owners, Zahavy and Statos. However, just before the final signing off of the agreement, the drivers walked off the job on March 1st, 1990.

March 30th saw the drivers of 82 limos ordered off the road completely as a result of an Ontario Supreme Court ruling by Judge Dennis Lane, who ruled in favor of owner Zahavy's breach of contract lawsuit against his drivers.

There were many vocal and emotional demonstrations which took place outside Transport Canada's administrative offices, causing the Federal Ministry to intervene. TV and news coverage from the media was nonstop.

Canadian Conference Director Louis Lacroix, Local 938 President Charles Thibault, and Schouten made a special visit to the picket line to reassure the drivers of Teamster support and assistance. They spoke with the drivers, walking the picket line back and forth, instilling and reinforcing a strong sense of solidarity among the drivers.



Local 938 President Charles Thibault (far left) and Canadian Conference Director Louis Lacroix (third from left) have been valiant allies of Sam Schouten during this important organizing campaign, and they are on a first-name basis with many of these victorious new Teamster members.

The two sides finally reached an agreement with intervention from Mississauga West Member of Provincial Parliament Steve Mahoney, who, together with Thibault and Schouten, helped the drivers ratify a new contract with a 76 percent vote in favor of the agreement.

Breaking New Ground

Provisions in the new agreement stipulate that the owner cease employment of one-way limos at Pearson International Airport; that a Union office and committee be set up to air grievances; that drivers be involved in the running of dispatch services as of July 31, 1990; and that drivers shop for their own insurance rates.

Also provided for in the agreement are that drivers' monthly dispatch dues will increase, and that the owner must maintain an active list of drivers for annual renewal of driver ID cards through Transport Canada.

Additionally, the owners must hire more staff, implement better training methods, and have updated equipment installed in vehicles. Transfer fees will be lowered for new drivers.

Schouten maintains that "the organizing of the limo drivers was thoroughly unconventional in that it had never been done previously through the system, and that it involved the breaking of entirely new ground. The fight was tough, but worth the victory."

Many drivers have expressed their thanks to the Teamsters for keeping their rights intact with a "great collective agreement."



The Teamsters from Local 938 left no room for any doubt during their recent successful strike.

Teamsters' Help Sought in Finding Amnesia Victim



The assistance of Teamster truck drivers is being sought in an unsual "missing persons" case involving what is believed to be an amnesia victim.

The International Teamster was contacted recently by the family of Patricia "Patty" Meehan (pictured above), 37, who has been missing since April 20, 1989, when she was injured in a car accident. Meehan walked away from a head-on collision approximately six miles south of Circle, Montana. She has been spotted at truck stops along interstate highways, and may have amnesia.

Although family and friends have not heard from Meehan, a woman fitting her description has been spotted hitching rides with truckers and sitting in truck stop restaurants.

Meehan is 5'3" tall, weighs approximately 117 lbs., has strawberry blond/reddish hair and green-gray eyes. She has freckles, a fair complexion, looks younger than her age, and speaks with a slight Eastern accent.

Anyone with information about Meehan is asked to call the McCone County, Montana, Sheriff's Department collect at (406) 485-3405.

Going for the Roses . . .



Kathy Osbourne, wife of Teamster Local 783, Louisville, KY, Business Agent Terry Osbourne (standing), was a member of the Kentucky Derby Garland team that prepared the coveted "Garland of Roses" for the winning horse in the Kentucky Derby. The four-person team—all union members—labored throughout the night for 12 consecutive hours to create the two-and-a-half yard long, 14—inch wide garland, for presentation at its peak of freshness. The garland is made up of 564 prime Kentucky roses, individually handsewn to a length of fabric covered with green foliage. It is lined with green satin which is embroidered with the twin spire logo of Churchill Downs and with the Seal of the Commonwealth of Kentucky.

Oregon, Minnesota Teamster Leaders Pass Away

wo longtime Teamster leaders, both former Joint Council presidents, recently passed away.

Jack J. Jorgensen, 75, a former Minneapolis, Minnesota, alderman who was a Teamsters Union representative from 1967 to 1985, died of cancer May 27 at his home in Burnsville, MN.

Jorgensen served as president of Minnesota Joint Council 32 from 1943 to 1984.

Also deceased is veteran Oregon Teamster leader Joe Edgar, secretary-treasurer of Local 162 in Portland and formerly president of Portland Joint Council 37. Edgar, 71, died of cancer on April 14, 1990.

Edgar was credited with bringing union jobs to Portland's dock and surrounding areas. He twice served as president of the city's Port Commission, and had been secretary-treasurer for many years.

Workers Confront Bosses

At Pan Am Annual Meeting

lose to 600 Pan American World Airways (Pan Am) employees—represented by the Teamsters Airline Division—picketed and demonstrated outside the company's annual stockholders meeting on May 8 in Miami, Florida.

More than 150 of them got into the meeting and bombarded top management with questions about Pan Am's failure to negotiate a new contract with the Union. The rest of the workers were locked out by management.

The workers were led by Airline Division Director Bill Genoese, who said Pan Am Chairman Thomas G. Plaskett had repeatedly refused to meet with him to resolve the problems of the airline's employees. Tony Cannestro, president of Local 769 in Miami, was responsible for the tremendous worker turnout.

Stockholders Shocked At Company's Attitude

Many stockholders said they were shocked at the company's attitude toward its employees. They condemned Plaskett for the autocratic way he turned a deaf ear to the workers' questions.

The Airline Division represents a broad cross section of 6,500 Pan Am employees—including reservations, passenger service, and cargo agents, clerical and account-



The Pan Am protesters wanted to know why Plaskett had imposed an 8% pay cut on the workers, while he, himself, was taking no cut from his \$500,000 per year salary.



Pan Am workers, represented by the Teamsters Airline Division, staged a massive protest at the airline's annual stockholders' meeting in Miami. Pictured with some of the protesters is Tony Cannestro (far left), president of Teamsters Local 769, Miami, FL.

ing workers, stock clerks, and nurses.

These workers have had no wage increases since 1981. In 1988—after an impasse in contract negotiations—the company imposed a contract on them. It called for 55 concessions by the workers, including an 8 percent pay cut and a new, substandard wage scale for new hires.

"The company wanted to force our people out on strike, so that it could replace them with cheap help," Genoese said.

He said the company also treats Miami workers as third-class citizens by paying them less than workers in other cities.

Management Takes No Pay Cuts

Genoese noted that no one in Pan Am management has taken a pay cut. When one worker asked Plaskett why his \$500,000-a-year salary had not been cut, Plaskett told the worker to leave.

Plaskett's excuse for not nego-

tiating a fair and equitable contract is the fact that the company is losing money.

However, Genoese said Pan Am's financial losses have been the result of gross mismanagement at the top.

"Pan Am has no sales or marketing plan," the Division director said. "Instead, it beats up on the very people who bring in the revenue. It will continue to go down the tubes as long as it goes on treating the workers this way."

Plaskett cut off one worker with



Even children of some of the Pan Am workers have been fighting the same battle fought by their parents.

40 years of service, when the worker tried to ask a question.

Company Seeking Merger Partner

Pan Am has survived this long only by selling off its assets—including the Pan Am Building in New York City, the Intercontinental Hotel subsidiary, and its Pacific routes. It now has one of its last profitable assets, the Pan Am Shuttle, up for sale.

Plaskett also hopes that the company might be bailed out by merging with another airline, but other carriers want nothing to do with the company as long as its present management holds the reins.

Genoese noted that the Teamsters can strike Pan Am at any time. In the event of a merger, he said, the workers will strike unless they are guaranteed:

- that they will go with their jobs with full seniority
- that the 55 items taken away by Plaskett will be restored
- that their pensions will be fully protected

The confrontation at the annual stockholders' meeting drew national media coverage. It followed a series of Miami membership meetings at which the Division reported on the latest developments at Pan Am.



Airline Division Director Bill Genoese speaks to key Pan American World Airways employees in advance of the company's annual stockholders' meeting in Miami. The workers took part in a huge demonstration outside the annual meeting and bombarded top management with questions.

Teamsters Seek NMB Reform

he Teamsters Airline Division is taking on the National Mediation Board (NMB) in a fight to force the Board to change its anti-labor rules and practices.

At a recent NMB seminar in Phoenix, Arizona, the Division went on record, saying that the rules of the Board are outmoded and undemocratic. The Teamsters demanded that the Board's practices be brought into line with those of the National Labor Relations Board (NLRB).

Under the Railway Labor Act, the NMB has jurisdiction over labor disputes in the railroad and airline industries. The NLRB has jurisdiction over all other industries.

"No union can win an NMB representation election unless 50 percent plus one of all the eligible voters cast ballots for union representation," noted Airline Division Director William F. Genoese. "If there are 500 workers in a unit, 251 must vote for a union. Otherwise, the Board rules the election invalid.

This means that every worker who fails to vote is counted as a "no union" voter. "The non-voters may be undecided, uninformed, or simply lazy. But all are counted on the 'no union' side," Genoese said.

"If our national elections were conducted in this way," he added, "the country would never elect a President or a Congress. Our government is constantly calling for free, fair, and democratic elections in Latin America and Eastern Europe. Why can't we have free, fair, and democratic elections in the railroad and airline industries, with the winner being decided by a simple majority of the workers who actually vote?"

Genoese also noted that under the rules of the NMB, unions do not get an Excelsior list of the eligible voters in an election.

The unions cannot send "mailouts" to all the workers, because the NMB doesn't provide their addresses. The NLRB does provide Excelsior lists.

"We have talked to members of Congress about the need for oversight hearings to force the NMB to clean up its act and to protect the rights of the workers," Genoese stressed.

Bennett Appointed to Advisory Council



Howard "Whitey" Bennett, president of Teamsters Local 294, Albany, NY, was recently appointed by New York Governor Mario Cuomo as a member of the New York State Thruway Authority Transition Advisory Council. Governor Cuomo appointed 13 members to the Advisory Council, which met for the first time on June 8, 1990. The Council will examine, evaluate, and make recommendations concerning the future of the Thruway and the Thruway Authority after the scheduled retirement of the Authority's bondable debt in 1996.

Local 648 Organizes G.S.C. Technology

ocal 648 in Plattsburg, New York, recently gained a major victory with the addition of 70 newly organized members from G.S.C. Technology of Champlain, NY. Local 648 filed a petition for representation with the National Labor Relations Board (NLRB) for these new members on January 8, 1990.

This organizing win was a joint effort by the executive board members, office staff, and especially Irving (Earl) Mudd, organizer for the local.

The organizing win came about after several well-attended meetings were held with the G.S.C. employees. During the meetings, it became clear to the as-yet-unorganized workers that the local's professionalism, expertise, and sincerity were genuine.

Teamsters Win Soundly With 52 out of 61 Votes

On February 28, 1990, the National Labor Relations Board conducted the election, and out of a total of 61 eligible voters, the Teamsters won soundly with 52 votes. On March 12, 1990, the Plattsburg local received the certification for representation from the NLRB.

This organizing win is perceived not only as an accomplishment for Local 648, but as a victory for the 63 new Teamster members. These new G.S.C. Technology members will now be eligible for the many benefits of Teamster representation. These benefits include excellent health care, valuable retirement pensions and benefits, and solid Teamster representation during contract negotiations. In addition, as evidenced during this organizing campaign, the effectiveness of Teamster political lobbying and DRIVE, have generated considerable incentive for

unorganized workers to seek Teamster representation.

Newly elected President Kenneth H. Ramsey, principal officer of the local, commented after the election, "One of my

goals after being elected president of the local was to organize the unorganized more than had been done in the past in order to increase the number of Teamster members of Local 648."

Oregon Teamsters Support Kidney Association



Teamsters Joint Council 37 and Local 305, both of Portland, Oregon, are longtime supporters of the Kidney Association of Oregon (KAO). The Joint Council recently sponsored the Kidney Benefit Dance—the 20th such sponsorship for the Joint Council. Along with Local 305, the Joint Council helped raise a record \$7,300 for the KAO. Pictured above are Teamster Cochair Janet Childers (left) and Local 305 President Tony Andrews (right) presenting a the \$7,300 check to Richard Harcourt of the KAO.

Organizing Survey Sites Trends,

Indicates Tactics that Lead to Union Victories

survey of the National Labor Relations Board (NLRB) elections in units of 50 or more indicates that certain organizing tactics create a greater chance of union victory. The following are some conclusions drawn by the survey, which was completed last year by the AFL-CIO Department of Organization and Field Services.

Personal Contact: The Key to Success

Personal contact between the organizers and the employees is the most effective means of communicating.

- House calls are effective; when organizers housecalled 75 percent of the unit, the win rate was 78 percent.
- Insufficient staffing is a common problem. In a majority
 of campaigns studied, there
 was one organizer or less
 assigned full-time to the
 campaign.
- Union mailings to employees, when used as a primary means of campaigning, lead to a win rate of only 39 percent.
- When organizers relied on telephone calls as a primary means of communication with the workers, the win rate was only 40 percent.

Effective Committee Is Vital to Union Victory

The most significant factor leading to union success is active campaigning by an effective, representative committee.

- The optimal size of a committee is 15 percent of the unit. Where the committee was only 5 percent of the unit, the win rate was only 27 percent.
- When organizers released

cards prior to forming a committee, the win rate was only 30 percent.

• Long, drawn-out pre-petition periods seem to affect the campaign adversely.

Mass meetings should not be overutilized.

 Only if the average attendance is over 40 percent of the unit do the meetings bode well.

Wages are not effective as the primary issue in a campaign. The more successful issues are working conditions, dignity, and grievance procedure.

The segments of the workforce

most inclined to unionize are lowwage workers, women, minorities, immigrant workers, and younger workers. More than half of the union victories feature a workforce with a majority of women.

The degree of employer resistance is a major factor in the ability to unions to win NLRB elections. The most effective company issues are: begging for another chance; predicting lay-offs or company closings; and warning of the likelihood of a strike.

Copies of the survey report are available from: STIR Sheet, AFL-CIO Department of Organization and Field Services, 815 16th St., N.W., Room 807, Washington, D.C. 20006.

Indiana Teamsters Win \$500,000 Settlement



Ken Buhle (right), president of Local 298, Michigan City, Indiana, and Steward Ed Switalski Jr. of LaPorte Transit Co., proudly display a check that is part of the settlement of a seven-year legal battle with the employer over unilateral cuts in contract provisions. The settlement, which totaled close to \$500,000, was paid to 60 drivers. The case went through the full Board in Washington, D.C., as well as the 7th Circuit Court of Appeals in Chicago, before resolution.

Report XIII to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

In this Report, I will update you on the work of the Investigations Officer, Charles M. Carberry, including the recent disciplinary charges he has filed. In addition, this Report discusses a dispute that arose between Mr. Carberry and certain IBT members when he served them with notices to take their sworn statements pursuant to the Consent Order.

II DISCIPLINARY CHARGES

To date, the Investigations Officer has filed thirty charges against a total of twenty-eight Union Officials and Locals. The status of these charges follows:

1. The Friedman and Hughes Decision

My decision regarding the charges filed against Harold Friedman and Anthony Hughes (see The International Teamster, February 1990 at pp. 14–15) was affirmed by Judge Edelstein in an opinion dated March 13, 1990. See The International Teamster, May 1990 at pp. 24–32. That opinion was appealed to the Second Circuit Court of Appeals and arguments were heard on April 30, 1990. On June 1, 1990, the Second Circuit affirmed Judge Edelstein's opinion. This affirmance means that the Court of Appeals agreed with Judge Edelstein that my disposition of the Friedman and Hughes charges was proper.

2. The Kantzler, Bernard and Hands Charges

On March 5, 1990, I conducted hearings in Detroit on the charges filed against William Bernard and Dennis Hands, regarding their alleged involvement in the disruption of a TDU meeting at the Airport Hilton Hotel in Romulus, Michigan in 1983. A third individual, Edward Kantzler, was also named in that charge, but Mr. Kantzler resolved his charge by an agreement with the Investigations Officer. See The International Teamster, April 1990 at p. 23.

The Kantzler agreement, placed in the record at the March 5, 1990, hearing, provided that Mr. Kantzler is presently retired from all positions in both the IBT and his local union and will not seek to be reinstated at any time as an active member of any local union or any other IBT affiliate. It was further agreed that the resolution would not be considered an admission by Mr. Kantzler of any wrongdoing.

On May 22, 1990, I issued a decision on the charges against Messrs. Bernard and Hands. In that decision, I concluded that the Investigations Officer had not established that there was just cause to find Messrs. Bernard and Hands guilty as charged.

3. The Cozzo. Talerico and Senese Charges

On March 22 and 23, 1990, hearings were held in Chicago on the charges brought against Messrs. Cozzo, Talerico and Senese. See The International Teamster, April 1990 at p. 22. These hearings involved the first set of charges which alleged "knowing association" with or "membership" in the organized crime families of La Cosa Nostra. Charges against Mr. Glimco were also scheduled to be heard in Chicago at this time, but due to his state of ill health his hearing was adjourned without date, pending a further update on his health status. Mr. Cozzo did not appear at the hearing, but evidence was received against him as well as Messrs. Talerico and Senese, who were represented by counsel. Neither Mr. Talerico nor Mr. Senese personally appeared; however, evidence was submitted on Mr. Senese's behalf. Post-hearing submissions were received and my decision is pending.

4. The Connecticut Hearing

On April 30 and May 2, 1990, a hearing was held in New York City (April 30) and Milford, Connecticut (May 2) on the charges brought against Mario J. Salvatore, Secretary-Treasurer of Local 191, which is located in Bridgeport, Connecticut. The record on the Salvatore matter has been left open to afford Mr. Salvatore the opportunity to submit additional materials. In addition to the charges against Mr. Salvatore, I had also scheduled hearings to be held in connection with charges brought against the former Secretary-Treasurer of Local 191, Joseph M. Roberto; Local 191, itself; Local 443 (New Haven, Connecticut); and Edward Brereton, Secretary-Treasurer of Local 443.

These charges were detailed in the April 1990 issue of *The International Teamster* at pp. 22–26. In brief, these charges involved allegations that Messrs. Salvatore, Roberto and Brereton, as well as the Executive Boards of Locals 191 and 443, had engaged in schemes to funnel union monies and property to certain union officials. These officials had been forced to leave office after pleading guilty to charges arising out of a federal criminal indictment.

The charges against Mr. Roberto, Mr. Brereton, Local 443 and, Local 191 were resolved by written agreement and approved by me. Mr. Roberto's agreement acknowledges that he currently holds no elected or appointed office of any kind in the IBT, Local 191, or with any IBT related benefit plans, and will not seek or accept election or appointment to any office, paid or unpaid, in any "IBT Entities."

The agreement executed by the Executive Board of Local 191 provides, in pertinent part, that the individual board members jointly and severally, agree to reimburse "Local 191 \$57,855 in compensation for monies and property

th

paid and transferred to former Secretary-Treasurer, Anthony G. Rossetti . . . by Local 191 as described in the charges."

It was further agreed that the Executive Board would "propose and unanimously recommend to the Local 191 membership" certain amendments to the Constitution and By-Laws of Local 191 which are designed to prevent the type of improprieties alleged here from recurring in the future.

The Investigations Officer also has been granted the right to personally review the books and records of Local 191. Local 191 entered into the agreement without admitting the truth of any of the allegations of the charge.

et

r

e

d

0

Local 443's and Mr. Brereton's agreements contain provisions similar to those of the Local 191 agreement. The amount to be repaid by Local 443 and Mr. Brereton totals \$78,177.

5. The Cutolo, Selvaggi, Pecora, Gugliaro and Salerno Charges

I also served Notices of Hearings on the charges filed against Messrs. Cutolo, Selvaggi, Pecora, Gugliaro and Salerno for the week of May 14, 1990. Each of these individuals, officers of IBT affiliates, was charged with either associating with or membership in one or more of the organized crime families of La Cosa Nostra. See The International Teamster, April 1990 at p. 23.

On May 9, 1990, I was advised by Mr. Carberry that an order had been entered by Judge Leonard Sand in the United States District Court for the Southern District of New York, in an unrelated action, which required Mr. Selvaggi's resignation from his position as President of Local 240 effective June 12, 1990. The Order further bars Mr. Selvaggi from dealing with any labor organization or employee benefit plan "about any matter that relates directly or indirectly to the affairs of the International Brotherhood of Teamsters or any of its affiliated entities, or any other labor organization, where such dealings relate to the union benefit plan affairs." In light of this judicial bar, Mr. Carberry advised that he was withdrawing his request for a hearing on the charges filed against Mr. Selvaggi.

The Investigations Officer also withdrew the charge against Joseph Pecora Sr., Secretary-Treasurer of Local 863 located in Mountainside, New Jersey, based upon Mr. Pecora's having agreed to submit his permanent resignation as an officer of his Local.

Mr. Gugliaro's hearing was adjourned without date due to his medical condition.

Mr. Cutolo, although, represented by counsel, did not appear at the scheduled hearing. Neither did his attorney. Evidence was accepted against Mr. Cutolo nonetheless.

Mr. Salerno, accompanied by counsel, appeared at the hearing. Evidence was accepted and a post-hearing briefing schedule was set. Post-hearing submissions have now been received and my opinion will issue shortly on the charges filed against Messrs. Cutolo and Salerno.

6. The Cozza Charge

The charge filed against IBT Vice President, Theodore Cozza, alleging knowing association with members of organized crime families of La Cosa Nostra, (see The International Teamster, April 1990 at p. 22) is presently scheduled to be heard in mid-July 1990.

New Charges

Six additional charges have been filed since my last Report. These charges will be discussed below.

7. The Charge Against Local 507

This charge, the first of the most recent charges, alleges that Local 507, with which Harold Friedman and Anthony Hughes have been associated, has been charged with:

Violating Article XIX, §6(b) of the IBT Constitution, by failing to protect the members' funds and property as required and instead allowing the members' funds to be embezzled and converted to its own use and the use of others;

Violating Article XXI of the Constitution and By-Laws of Local 507, by wilfully failing to hold the money and property of the Union solely for the benefit of the Union and instead participating in schemes to convert and embezzle Union money for its own use and the use of others;

Violating Article II, §2(a) of the IBT Constitution, by conducting itself in a manner to bring reproach upon the IBT; and

Violating 29 U.S.C. §501.

These charges are based upon an allegation that:

In the period before, during and after (i) the convictions of Friedman and Hughes in federal court for embezzlement, racketeering and making false statements; and (ii) the disciplinary hearings and suspension of Friedman and Hughes by the Independent Administrator, the Local 507 executive board participated in a scheme to assist Friedman and Hughes to evade the financial consequences of their crimes. Rather than exercise its fiduciary duty to the local membership by investigating the activities of Friedman and Hughes, the executive board instead conducted a scheme to funnel hundreds of thousands of dollars of union money to Friedman and Hughes, directly and indirectly, in the form of specially constructed severance and other improper benefits to Friedman and Hughes. These schemes to reward Friedman and Hughes had no benefit to the members of Local 507.

A hearing on the Local 507 charges has been scheduled for the second week of July 1990.

Report XIII to All Members (continued)

8. The Charge Against Robert J. Feeney

The second charge of the recently filed charges was filed by the Investigations Officer against Robert J. Feeney, President and Business Agent of Local 11 in Clifton, New Jersey. Mr. Feeney is charged with "violating Article II, §2(a) of the International Brotherhood of Teamsters . . . Constitution by conducting himself in a manner to bring reproach upon the IBT." The Investigations Officer alleges that:

In 1988 and 1989, while president of Local 11 and a trustee of Joint Council 73, [Mr. Feeney] engaged in a scheme to extort money from lunch truck caterers in New Jersey through violence, threats of violence and claims of police corruption. In the course of this scheme to extort protection payments, [Mr. Feeney] used automobiles owned by Local 11 to further [his] criminal purposes.

Mr. Feeney's hearing has been scheduled for the end of June.

9. The Charge Against Nellie McKim

The third recent charge levied by the Investigations Officer was filed on April 18, 1990, against Mrs. Nellie McKim, Secretary-Treasurer of Local 580 in Lansing, Michigan. The McKim charge alleges four separate incidents of wrongdoing. The first three incidents implicate violations of Article II §2(a) and Article XIX, §§6(b)(2) and (3) of the IBT Constitution.

The first incident is based upon an allegation that Mrs. McKim "embezzled and converted to [her] own use in excess of \$30,000 of union money through the conduct of a kickback scheme."

The second incident alleges that Mrs. McKim concealed from other members of the Local 580 Executive Board, and the membership of the Local, the fact that she entered into a "pretrial diversion agreement with the United States Attorney's office for the Western District of Michigan . . . to avoid prosecution of charges filed against [her] by the government, for embezzlement of funds [totalling \$5,568.60] from Local 580 in violation of 29 U.S.C. §501(c)." As part of the agreement, Mrs. McKim acknowledged her "wrongful conduct [and] agreed to pay back to the union the money [she] had embezzled."

The third incident involves a payment of \$9,527 to an attorney representing Mrs. McKim's husband in a 1977 federal prosecution against both Mr. and Mrs. McKim. In the indictment, Mrs. McKim was charged with "embezzling and assisting the embezzlement of money of the local and with making false entries in the local union's records." On February 27, 1978, Mr. McKim "pleaded guilty to violating 29 U.S.C. \$439 for causing false records to be maintained by Local 580 during 1973 and 1974 when he was chief executive officer." It is alleged that "[d]uring this period, [Mrs. McKim] was the bookkeeper who knowingly made the false entries." In return for Mr. McKim's plea, the charges against Mrs. McKim were dropped.

The Investigations Officer charges that "the \$9,527

payment to Mr. McKim's attorney was not for the benefit of the membership of Local 580 and served no legitimate interest of the local, but instead was solely for [her] benefit and the benefit of [her] husband."

The final charge against Mrs. McKim alleges a violation of "Article XIX, §6(b)(5) of the IBT Constitution by engaging in conduct that interfered with and was disruptive of Local 580's legal obligation." This charge centers upon allegations that Mrs. McKim filed false and misleading Form LM-2s with the United States Department of Labor for Local 580 during the years 1983–88.

10. The Charge Against Anthony M. Zappi

The fourth recent charge has been filed against Anthony M. Zappi, Secretary-Treasurer of Local 854 in Valley Stream, New York. Mr. Zappi is charged with bringing reproach upon the union by "being a member of La Cosa Nostra and knowingly associating with members of La Cosa Nostra, including John Gotti, Frank Dapolito and Frank Marono" while an officer of Local 854.

11. Charge II Against Charles O'Brien

The fifth charge recently filed is actually the second charge filed against Charles O'Brien, an International Representative. Mr. O'Brien is charged as follows:

Violating Article II, section 2(a) of the Constitution of the International Brotherhood of Teamsters, by conducting yourself in a manner to bring reproach upon the IBT; and

Violating Article XIX, section 6(b) of the IBT Constitution by embezzling and converting to your own use and the use of others Union funds:

To WIT, on or about August 15, 1987 you knowingly incurred unauthorized charges on the American Express card account of Teamsters Local 769 in the amount of approximately \$12,187 to charter a private Lear jet. Your use of Local 769's credit card in this manner was unauthorized, unrelated to the local's business and of no benefit to the members of Local 769. You failed to pay this amount to American Express. As a result, Local 769 has been sued by American Express for approximately \$12,187, and its American Express card has been cancelled.

12. The Charge Against George Lombardozzi

The most recent charge filed by the Investigations Officer has been levied against George Lombardozzi. The Investigations Officer first alleges a violation of Article II, §2(a) of the IBT Constitution in that Mr. Lombardozzi, "while a paid business agent and officer of Local 918, from 1975 to present . . . knowingly associated with members and associates of La Cosa Nostra, including John Gotti, Gene Gotti, Carmine Lombardozzi, Daniel Marino and Anthony Vinciullo."

The Investigations Officer next alleges violation of Article II, §2(a), in that, "on or about September 29, 1975, [Mr. Lombardozzi] gave false testimony while under oath before

a grand jury in Kings County, New York. This conduct was the basis of [Mr. Lombardozzi's] conviction for three counts of First Degree Perjury, after a jury trial in the Supreme Court of the state of New York, Kings County, on or about March 16, 1977. As a result of [his] conviction, [he was] sentenced to a one-year term of imprisonment. [Mr. Lombardozzi] returned to [his] position as a paid business agent of Teamster Local 918 after [his] release from prison."

III SUMMARY

Of the thirty charges filed by the Investigations Officer, twelve have been resolved by agreement or decided after hearing, six have been heard and await decision, three are presently scheduled for hearing, two have been adjourned without date due to medical condition, and seven await scheduling.

IV POWER OF THE INVESTIGATIONS OFFICER TO TAKE SWORN STATEMENTS

A few months ago, a dispute arose between Mr. Carberry and certain IBT members when he served them with notices to take their sworn statements pursuant to the Consent Order. The individual members objected to the Investigations Officer's Notices to Take Sworn Statements and refused to respond raising a number of objections. Their arguments centered on whether the Investigations Officer must first issue a statement as to his "reasonable cause" before proceeding with the taking of a sworn statement. By way of Application IX, I asked Judge David N. Edelstein to resolve this dispute.

In an April 9, 1990, decision, which is published in full in this magazine, Judge Edelstein ruled in favor of the Investigations Officer and against the individual IBT members on this issue. Accordingly, Judge Edelstein ruled that the objections raised by the IBT members regarding the Investigations Officer's authority to take sworn statements are summarily dismissed and the members must make themselves available to be examined pursuant to the properly served Notices. The individuals involved then appealed Judge Edelstein's ruling and, in addition, sought to have the Second Circuit Court of Appeals "stay" Judge Edelstein's decision. The Second Circuit denied the stay request on April 13, 1990, and dismissed their appeal.

V COMMUNICATIONS

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae One Gateway Center, Suite 603 Newark, NJ 07102-5311 Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland Office of the Election Officer of the International Brotherhood of Teamsters 25 Louisiana Avenue, N.W. Washington, DC 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Sacramento Teamster Honored by State Senate



Teamster Business Agent Victor L. Shada, Jr. (right), Local 228, Sacramento, CA, was recently presented with a Senatorial Resolution Commendation, the highest commendation from the State of California. A Teamster member for 22 years and Local 228 business agent since 1978, Shada was honored for his years of active service to the community. He has been personally responsible for raising several hundred thousand dollars for numerous sportsmen and public service organizations. The award, issued by California State Senators Jim Nielsen, Don Roger, Robert Presley, and John T. Doolittle, was presented in Senate Chambers in the State Capital of Sacramento in April. Shada is pictured, above, with Senator Nielsen (left).

Court Order of Judge Edelstein

United States District Court Southern District of New York

MEMORANDUM & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs,

·X

Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

IN RE:

APPLICATION IX BY THE INDEPENDENT ADMINISTRATOR.

Appearances: OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson III, Assistant United States Attorney, of counsel, for the United States of America;

CHARLES CARBERRY, Investigations Officer, New York, New York, Robert W. Gaffey, of counsel:

MUDGE, ROSE, GUTHRIE, ALEXANDER & FERDON, New York, New York, Jed S. Rakoff, of counsel for the International Brotherhood of Teamsters:

SIPSER, WEINSTOCK, HARPER & DORN, New York, New York, Richard Dorn, Jerome Tauber, Susan Martin, Seth Kupferberg, of counsel, for Mario Salvatore:

RICHARD DORN, ESQ., Woodbridge Connecticut, for Edward Brereton, Felix DelGuidice, and Angelo Chieppo;

ANDREW B. BOWMAN, ESQ., Westport, Connecticut, for Joseph M. Roberto.

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by the plaintiffs United States of America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB") embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed offi-

cials, the Independent Administrator to oversee the remedial provisions, an Investigations Officer to bring disciplinary charges against IBT members, and an Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

I. Application IX

The Independent Administrator submitted Application IX for this Court's review on January 22, 1990. Application IX asks this Court to interpret paragraph F.12.(C) ("¶F.12.(C)"), subsections (c) and (d) of the Consent Decree, which empower the Investigations Officer to take sworn statements in furtherance of his access to information about the IBT

Numerous members of the IBT have objected in their individual capacities to the notices of sworn statements or in-person examinations served upon them by the Investigations Officer (the "IBT members").1 These IBT members (1) explicitly deny that they are bound by the Consent Decree; (2) object to the Investigations Officer's authority to take such statements absent his providing them with detailed justifications for his inquiries, and ask that he be required to (a) issue notices of reasonable cause, and/or (b) detail the explicit areas of inquiry before the examination. In addition, still others deny that they are members of the IBT for the purposes of ¶F.12.(C)(c), but instead agents of the IBT and protected by the more stringent notice requirements at ¶F.12.(c)(d). The IBT opposes the actions of the Investigations Officer to the extent that they ask that the Investigations Officer issue a short statement of reasonable cause to the examinees. This Court will decide the question of the proper interpretation of $\PF.12.(C)(c)$.

II. Discussion

The arguments by these members of the IBT that they are not bound by the Consent Decree must immediately be dismissed. Both the January 17, 1990 Opinion and Order of this Court, (the "January 17, 1990 Opinion") and the November 2, 1989 Memorandum and Order the "November 2, 1989 Order"). See January 17, 1989 Opinion, 728 F. Supp 1032, 1048–57 (S.D.N.Y. 1990); November 2, 1989 Order, 725 F. Supp. 162, 168–69 (S.D.N.Y. 1989) conclusively decided this matter. Those orders of this Court are utterly unambiguous.

Second, this Court rejects the contentions of some members that the Investigations Officer need provide them with a written outline of the areas to be covered. Paragraph F.12.(C)(c) makes no such requirement for sworn inperson examinations or sworn affidavits, and none will be implied into that provision of the Consent Decree. Some

¹ The following IBT members have filed papers in response to Application IX: Mario Salvatore, Joseph Roberto, Edward Brereton, Felix DelGuidice, and Angelo Chieppo.

members argue that such prior notice of subjects is necessary to guarantee effective assistance of counsel as provided for in ¶F.12.(C)(c). This is a makeweight argument and misleading. The IBT members are entitled to be represented by counsel or anyone else of their choosing and no deprivation of this right is intended or effected.

The taking of sworn statements or examinations pursuant to ¶F.12.(C)(c) by the Investigations Officer has become a subject of disagreement. Paragraph F.12.(C)(c) specifically empowered the Investigations Officer with authority to:

"take and require sworn statements or sworn inperson examinations of any officer, member, or employee of the IBT provided the Investigations Officer has reasonable cause to take such a statement and provided further that the person receives at least ten (10) days advance notice in writing and also has the legal right to be represented by an IBT member or legal counsel of his or her own choosing, during the course of said investigation."

¶F.12.(C)(c) Consent Decree, at 12.

The IBT members, and the IBT contend that the Investigations Officer is required to furnish examinees with a reasonable cause statement. This contention is unpersuasive.

The Investigations Officer likens this requirement of reasonable cause for sworn statements or testimony to the procedural formalities observed in both notice of depositions in the civil context, and subpoenas by grand injuries. In neither of those contexts, the Investigations Officer argues, does the law place upon the party seeking information the affirmative burden championed by the IBT and the IBT entities. Further, the Investigations Officer compares the Consent Decree to the streamlined process in an arbitration. These comparisons have significant merit

As with the examples cited by the Investigations Officer, reasonable cause must be viewed in the context of the Consent Decree's remedial scheme. In light of the duties

charged to the Investigations Officer, and the objectives ordained by the Consent Decree, the notices sent by him constitute reasonable cause for the purposes of ¶F.12.(C)(c). Reasonableness dictates that the Investigations Officer's actions must be fit and appropriate to the end in view, that his actions not be extreme, excessive or absurd.

The Government initiated the underlying RICO action for the purposes of ridding the IBT of decades of corruption. Indeed, rooting out the corrupt elements from the IBT is the explicit purpose of the remedial scheme that is the Consent Decree. The Investigations Officer is appointed by this Court and sworn to implement this broad mandate. Given this background of corruption and the explicit reason for the existence of the Investigations Officer, his notices of sworn statements must themselves be considered "reasonable cause" to take sworn statements or examinations for the purposes of ¶F.12.(C)(c).

To interpret ¶F.12.(C)(c) in this manner properly effectuates the exact strictures of the Consent Decree, in addition to its spirit and intent. Such a construction infringes no substantive rights of any member.

III. Conclusion.

Accordingly, ¶F.12.(C)(c) is hereby interpreted in accordance with this order. The Investigations Officer may proceed in a manner consistent herein. Any objections raised by IBT members regarding the Investigations Officer's authority to take sworn statements of them after charges have been filed against them seems to elude any rule of logic. It would appear that the taking of sworn statements after the filing of charges would be in order. In any event, the Investigations Officer is free to consider the matter de novo.

SO ORDERED,

DATED: April 9, 1990 New York, New York

U.S.D.J.

Attention All Members NOTIFY YOUR LOCAL UNION

If there needs to be a change made in your mailing address . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

CITY STATE ZIP CODE ____

Study Concludes Deregulation Has Had "Negative Net Effect"

recent study by transportation and business academians, reports the May 1990 issue of Commercial Carrier Journal, maintains that "the net effect of deregulation appears to have been negative."

The research, presented at the fall meeting of the Transportation Research Forum, was conducted by John Ozment, assistant professor of transportation at the University of Arkansas; William A. Cunningham, associate professor of marketing and transportation at Memphis State University; and Grant M. Davis, dean of Appalachian State University's business school in Boone, North Carolina.

According to the Commercial Carrier Journal, the researchers claimed "that improved fuel conservation and equipment utilization—two key reasons why a majority of the Washington wizards voted to deregulate the trucking industry—never materialized."

Their conclusions were based on data reported in the Federal Highway Administration's *Highway Statistics: Summary to 1985* and *Highway Statistics 1987*, and in *Transportation in America: A Statistical Analysis of Transportation in the United States*.

Among conclusions drawn in study, the *Journal* reports, researchers found that:

- The average number of tonmiles of freight moved per gallon of fuel consumed declined from 43.69 in 1980 to 39.99 in 1987.
- The average number of tonmiles of freight moved per mile of highway operation dropped from 8.80 in 1980 to 7.66 in 1987.
- The average number of ton-

- miles of freight moved per vehicle increased from 391,709 in 1980 to 465,981 in 1987. In 1970, the average was 455,207 ton-miles.
- The average number of tons per vehicle increased from 1,417 in 1980 to 1,640 in
- 1987. The ton-per-vehicle average in 1970 was 2,020.
- The average number of miles operated per vehicle increased from 48,472 in 1980 to 60,862 in 1987. In 1970, the typical truck was driven 38,819 miles.

IBT's 28th Leadership Academy



The Teamster Leadership Academy held its 28th class in Washington, D.C. during the week of April 16. Thirty-three local union representatives attended the educational workshops held at the International headquarters. They included: John Ohlsson, trustee, Local 14, Las Vegas, NV; Al Furiak, secretary-treasurer, Local 38, Everett, WA; Edward D. Shouldis, businesss representative, Local 175, Charleston, WV; Joseph A. Esposito, assistant business agent and organizer, Local 191, Bridgeport, CT; Gary Haskins, vice president, and Mark Vandak, business agent, Local 284, Columbus, OH; Sharon Davie, recording secretary and business representative, Local 299, Detroit, MI; C.V. Brookins, president, Local 315, Martinez, CA; Joseph Gorham, recording secretary, Local 401, Wilkes-Barre, PA; Michael Ianniello, business agent, and William Petties, business agent, Local 522, Jamaica, NY; Ralph Purnell, vice president and Robert L. Tuner, president, Local 570, Baltimore, MD; Robert Young, vice president, Local 599, Tacoma, WA; Dan Ward, chief steward, Local 608, Louisville, KY; Brian Beaver, secretary-treasurer, and Gary Sloan, business agent, Local 624, Santa Rosa, CA; David Deitrich, business agent, and Earl Saulter, business agent, Local 631, Las Vegas, NV; Francis Ferry, business agent, and John Jackson, vice president and business agent, Local 676, Collingswood, NJ; Barry Lund, secretary-treasurer, Local 788, Mt. Vernon, WA; Billie Lee Hagner, recording secretary, Local 803, Jamaica, NY; Paul Eidsvik, recording secretary, and Richard Tomasso, trustee, Local 877, Linden, NJ; Chris Griswold, business agent, and Sean Harren, business agent, Local 986, Los Angeles, CA; and Alice Bernhard, trustee and Bruce Retrum, secretary-treasurer, Local 2747, Bloomington, MN. General President McCarthy (front row, fourth from right) is pictured with class members, above.



National Boycotts Sanctioned by the AFL-CIO

ACE DRILL CORPORATION

Wire, jobber & letter drills, routers and steel bars United Automobile, Aerospace & Agricultural Implement Workers of America International Union

AEROMEXICO AIRLINES

Airline passenger and freight carrier International Association of Machinists & Aerospace Workers

BLUE CROSS/BLUE SHIELD OF MEMPHIS, TN

Carrier of union health plans

BROWN & SHARPE MFG. CO.

Measuring, cutting and machine tools and pumps International Association of Machinists & Aerospace Workers

0

n

Iceberg Lettuce: Red Coach, Friendly, Green Valley Farms, Lucky United Farm Workers of America

BURWOOD PRODUCTS

Manufacturers of plaques, clocks, and other decorative wall accessories

United Automobile. Aerospace & Agricultural Implement Workers of America International Union

CALIFORNIA TABLE GRAPES

Table grapes that do not bear the UFW union label on the carton or United Farm Workers of America

CLARK GRAVE VAULT COMPANY

Copper and steel burial vaults United Automobile, Aerospace & Agricultural Implement Workers of America International Union

COLT FIREARMS COMPANY

Manufacturers of handguns and rifles United Automobile, Aerospace & Agricultural Implement Workers of America International Union

CONTINENTAL AIRLINES

Continental airline carrier International Association of Machinists & Aerospace Workers, Transport Workers Union of America

EASTERN AIRLINES

Continental airline carrier International Association of Machinists & Aerospace Workers, Transport Workers Union of America

FORT HOWARD PAPER CO.

Green Bay, Wisconsin and Muskogee, Oklahoma, Mardi-Gras, Page, Sof-Knit tissues and napkins, Antique towels, Pom-etts, Edon and Dolly Madison tissues United Paperworkers International Union

GARMENT CORPORATION OF AMERICA

Work clothes and uniforms Amalgamated Clothing & Textile Workers Union

HOLIDAY PAPER CUPS, DIV. OF IMPERIAL CUP CORPORATION

Holiday Paper Cups brand name United Paperworkers International Union

HOLLY FARMS

Chickens and processed poultry products International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

INTERNATIONAL PAPER COMPANY

Producer International and Hammermill bond, offset and writing paper and related products United Paperworkers International Union

JOHN MORRELL & COMPANY

Meat products: John Morrell, Rath Blackhawk, Nathan's Famous, Tobins First Prize, Hunter, Tom Sawyer, Krey, Partridge, Rodeo, Scott Petersen, Bob Ostrow, E-Z Cut, Table Trim, Golden Smoked, Carson

United Food & Commercial Workers International Union

JOHN PORTMAN COMPANIES

Shopping malls, hotels, property management companies, real estate development investment Service Employees International Union

KAWASAKI ROLLING STOCK, U.S.A.

Motorcycles Transport Workers Union of America

KRUEGER INTERNATIONAL, INCORPORATED
Brand name chairs: Matrix, Poly, Dorsal, Vertebra, Stax, Afka, Modular, Auditorium and University Seating (for airports and auditoriums)

International Association of Machinists & Aerospace Workers

LA MODE DU GOLF CO. OF LOS ANGELES

La Mode and Lady La Mode men's and women's golf apparel International Ladies' Garment Workers Union

LOUISIANA-PACIFIC CORP.

Brand name wood products: L-P Wolmanized, Cedartone, Waferwood, Fibrepine, Oro-Bond, Redex, Sidex, Ketchikan, Pabco, Xonolite

United Brotherhood of Carpenters and Joiners of America, International Woodworkers of America

MOHAWK LIQUEUR CORPORATION

Mohawk labeled gin, rum, peppermint schnapps, and cordials Distillery, Wine and Allied Workers International Union

NAPA VALLEY CO-OP

Bergfeld 1885 (Sauvignon Blanc) wine Distillery, Wine and Allied Workers International Union

PLYMOUTH RUBBER COMPANY

Insulating material, rubber bands and vinyl products United Rubber, Cork, Linoleum and Plastic Workers of America

R.J. REYNOLDS TOBACCO CO.

Cigarettes: Camel, Winston, Salem, Doral, Vantage, More, Now, Real, Bright, Century, Sterling, YSL/Ritz; Smoking Tobaccos: Prince Albert, George Washington, Cater Hall, Apple, Madeira Mixture, Royal Comfort, Top, Our Advertiser; Little Cigars: Winchester Bakery, Confectionery & Tobacco Workers International Union

ROME CABLE CORPORATION

Cables used in mining and construction industry International Association of Machinists & Aerospace Workers

SEATTLE-FIRST NATIONAL BANK

Withdraw funds United Food & Commercial Workers International Union

SHELL OIL COMPANY

Subsidiary of Royal Dutch Shell (parent company of Shell South Africa); gasoline, petroleum and natural gas products AFL-CIO

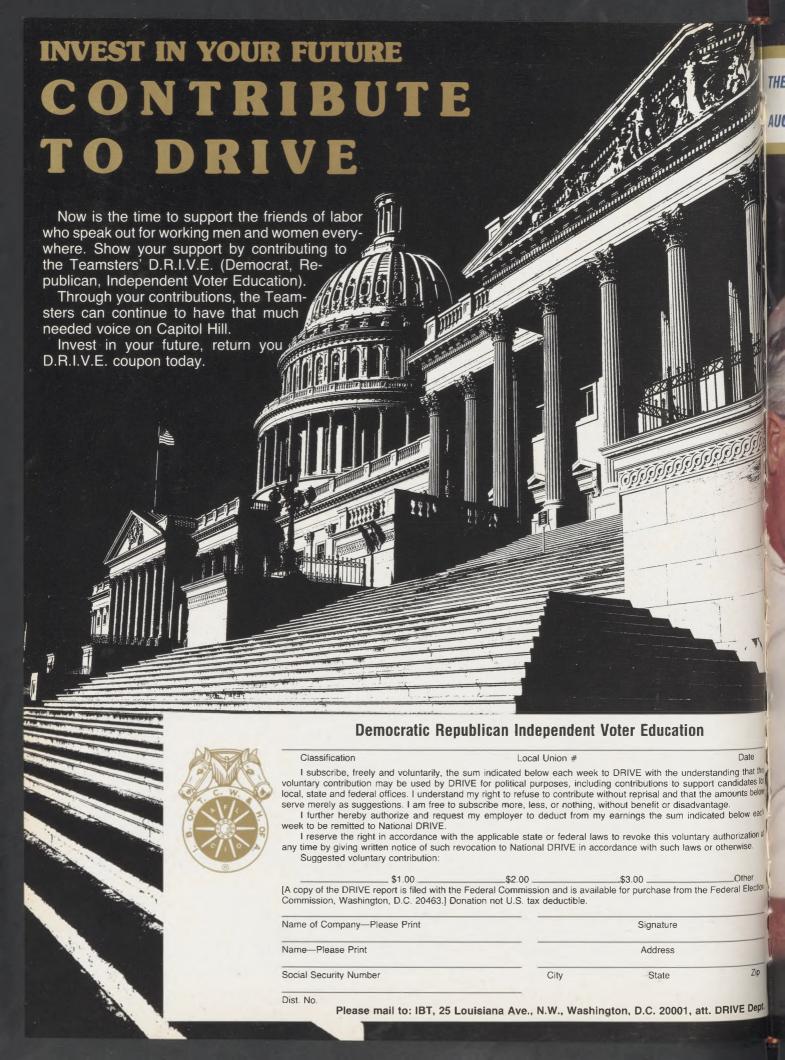
National retailers of electronic equipment and appliances International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America

STERLING RADIATOR

Baseboard heaters for the home United Automobile, Aerospace & Agricultural Implement Workers of America International Union

UNITED STATES PLAYING CARD CO.

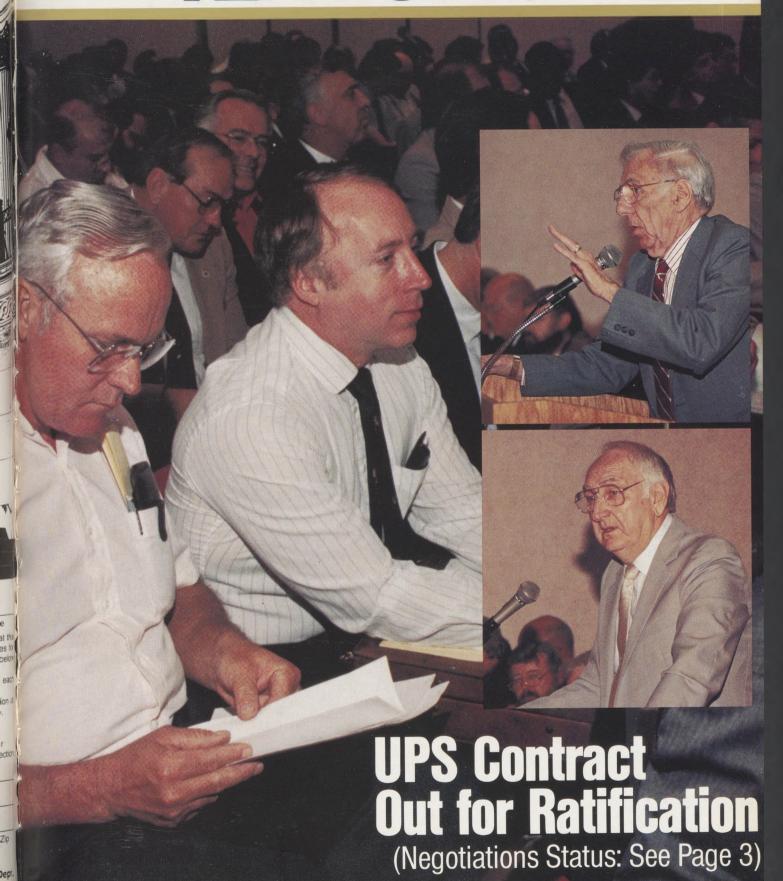
Brand names: Bee, Bicycle, Tally Ho, Aviator and Congress Retail, Wholesale and Department Store Union



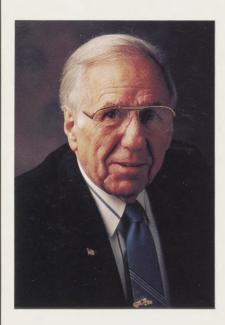
THE INTERNATIONAL
AUGUST 1990

TEAMSTER





THE PRESIDENT'S MESSAGE



s this issue of *The International Teamster* was going to press, UPS ballots on the national referendum had already been sent to every UPS member throughout the country and Canada. Negotiations with UPS for a new three-year contract were not easy, and the company consistently refused to meet our monetary demands.

As chairman of the National Negotiating Committee, I can tell you that the Teamster negotiators are determined to win the best possible contract for our nearly 140,000 UPS members. Since the company in its final offer chose not to treat our members in the manner which they deserve, the Negotiating Committee sent the agreement to our members with the recommendation that it be rejected.

Concerning another matter, the national Overnite organizing campaign has gained momentum. I have been pleased by the enthusiasm and support shown by thousands of Teamster freight members who have offered to serve on volunteer organizing committees.

As I have stated often, organizing the nonunion freight companies is a top priority of this Union, and I believe we will be successful in this campaign.

The Union has already received hundreds of authorization cards at Teamster headquarters from all classifications of Overnite workers from all parts of the country. Our main objectives in the campaign are to work with local union organizing committees by attending organizing meetings, speaking with Overnite employees, and distributing campaign materials.

On the legislative front, I am pleased to report to you that support for the replacement worker legislation authored by Congressman Bill Clay (D-MO) has picked up a lot of steam on Capitol Hill. It is doubtful that this important legislation, which allows striking workers to go back to their jobs upon settlement of the strike, will be acted upon before the November elections. However, we are hopeful that this issue will become a focal point in the 1990 elections as well as an important agenda item for the new Congress returning to Washington, D.C., in 1991.

A very good sign for American labor and all workers is the fact that in the House of Representatives, 148 members have already signed on to cosponsor this landmark worker protection bill (H.R.

3936). DRIVE support for this legislation could be pivotal in getting the measure passed through both Houses of Congress next year.

Once again, I urge all Teamster members to contact their representatives in the House and their U.S. senators to demand support for this fundamental pro-labor legislation. A good opportunity to talk with your representatives will occur during Congress's August summer recess, and I would hope that you'll take the time to make your views known.

WI Cer 25 Wa

In this same vein, I urge all members to join and participate in DRIVE, particularly at this time. DRIVE is more important to you and your family than the IBT's political action committee has ever been.

Finally, you will note in this issue of the magazine that the Independent Administrator's Report includes letters from anonymous sources alleging that there is support among the rank-andfile for the action of the Court Appointed Officers. As General President of this Union, I can tell you that from my many meetings and conversations with the rankand-file, just the opposite is true. Our members want to run their own Union and are particularly angry at the huge costs to the IBT being run up by the activities and staff of the Court Appointed Officers.

Fraternally,

William I McCarthy

William J. McCarthy General President

TEANSTER DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



eg-

ing oth

ter

re-

eir

ort eg-

alk

OC-

ust

ope

ake

all

ate

ne.

ou

T's

ver

his

the

Re-

ny-

ere

urt

ral

tell

ngs

nk-

ue.

eir

rly

BT

nd

General
Executive
Board
WILLIAM J. McCARTHY
General President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TRENOTOLA
First Vice President
265 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Plorida 33009
EDWARD LAWSON
Third Vice President
129260 Taylor Rd.
Mt. Lehman, B.C., Canada VOX 1VO
ARNIE WEINMEISTER
Fourth Vice President
533 John Street, Room 28

ARNIE WEINMEISTER
Pourth Vice President
553 John Street, Room 28
Seattle, Wash. 98109
WALTER SHEA
Fifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President
50 Bagby Drive
Birmingham, Alabama 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015

1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwix St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
FRANCIS W. HACKETT
Eleventh Vice President
344 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelfth Vice President

New JONCHAM
Puelith Vice President
35 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wyandotte, Michigan 48192
JACK B. YAGER
Fifteenth Vice President
8801 E. 6376 Street—Suite 208
Kansas City, Missouri 64113

Trustees
BEN LEAL
185 Berry St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

August 1990

Volume 87, No. 8

- 2 IBT Testifies at Congressional Hearing Teamsters speak out on behalf of replacement worker legislation
- 3 UPS Ballots in the Mail 1990–93 contract out for members' consideration
- 5 TNFINC Supplement Wins Approval Central Transport, Inc. contract ratified
- 6 Dairy Conference Meets

 IBT plans battle against dairy conglomerates
- 8 American Red Cross Honors IBT Teamsters receive national recognition award
- 9 Back Pay Award for Overnite Driver
 Teamsters go to bat for improperly discharged
 worker
- 10 Pennsylvania Conference Convenes Members focus on legislation, commercial driver's license
- 16 1990 Scholarships Announced Recipients named from each area conference
- 21 Canada Organizes Dairy Members Office, lab workers join dairy local
- 30 Report XIV to Teamster Members
 A message from the Independent Administrator



6



8



16

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C. 2000.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue. N.W. Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters. Chauffeurs. Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Teamsters Testify at Congressional Hearing On Striker Replacements

he International Brotherhood of Teamsters intensified its call for legislative relief for the legally sanctioned practice of employing permanent strike replacements at a hearing before the House Labor-Management Relations Subcommittee on June 13.

Chester Abbott, secretary-treasurer of Teamsters Local 829 in Boston, Massachusetts, addressed the issue by relating the circumstances surrounding the labor dispute between Kraft/S.S. Pierce and members of his local union.

A Long History of Labor-Management Cooperation

S.S. Pierce in Boston was originally organized in September of 1959, and in 1969 agreed at the bargaining table to cover their employees with the Teamsters Pension Plan. In subsequent years, the employer agreed to increases in employer contributions to the plan in exchange for Teamster members' agreeing to lower increases in wages and other fringe benefits. Additionally the employees agreed to other changes to increase productivity.

S. S. Pierce was bought by Kraft Foods, a subsidiary of the Philip Morris Company, in 1986. Prior to the company's purchase, a cooperative labor relationship existed. There was never a strike or work stoppage in nearly 30 years of operation.

When the contract was due to expire on July 1, 1989, the company insisted that it would no longer cover its employees under the Teamsters Pension Plan, and they would be required to switch to a far inferior company plan. On September 23, 1989, the members of Teamsters Local 829 voted by a margin of 144 to 16 to go on strike against Kraft/S. S. Pierce.



International Vice President Frank Hackett (right) and Local 829 Secretary-Treasurer Chester Abbott, Boston, Massachusetts, spoke out recently on behalf of replacement worker legislation before the Labor-Management Relations Subcommittee of the House Education and Labor Committee.

Company Advertises For Replacement Workers

Exhibits presented in Abbott's testimony included a newspaper advertisment seeking applications for driver and warehouse jobs. It was entitled, "DUE TO A POSSIBLE LABOR DISPUTE." The company began accepting these applications and conducting interviews almost two weeks before Teamster members even voted to strike.

Less than two weeks into the strike, the company began to replace Teamsters permanently with scab workers.

The ongoing strike has had a devastating effect on Teamsters employed at Kraft/S.S. Pierce, some with as much as 40 years of service. Cars have been repossessed, homes have been jeopardized, and some family relationships have been tragically destroyed. Workers who have spent as long as 40 years with near-perfect work records and with

unique dedication and loyalty to the company, surely have not earned the abuse that management has doled out to them since the buyout by Kraft.

IBT Vice President Hackett Addresses Committee Members

Unfortunately the situation at Local 829 and Kraft/S.S. Pierce is not unique. International Vice President Frank Hackett, who accompanied Abbott, informed Congressional Committee members of the vicious labor-management negotiations taking place all over the New England area. He recited a litany of contract talks where the term "good faith bargaining" could hardly be applied.

Employers, Hackett said, demand unreasonable concessions with the intent of forcing a strike, firing, and "permanently replacing" union members in quest of their ultimate goal—representa-

tion decertification or, simply put, busting the union.

Other unions which participated in the House hearings and in Senate hearings held the previous week, related stories which had a common theme. When employers are free to hire permanent replacements, or scabs, the working men and women who built those companies are at the mercy of the conglomerate which operates or buys it. The protections enshrined in the National Labor Relations Act and the Railway Labor Act become hollow promises.

The International's Legislative Department commends all Teamster affiliates which have written letters to the members of Congress and which have sent data on specific strikes in their area.

The Department has been able to include some frustrated stories of hardworking, law-abiding citizens who have been harmed by such practices into the permanent record on pending legislation to abolish the hiring of permanent replacements during a labor dispute.

enl

use

to

ed

as

1y-

rs

at

18

ce

C-

n-

of

e-

10

a

16

ld

e-

75

C.

of

a.

All union members, working men and women, and anyone who believes in the right of people to be represented and to bargain collectively for wages and benefits must focus attention and energy on restoring the right to strike. United in this cause, workers can prevail in revitalizing the cherished promises of the nation's labor laws.

Write your Member of Congress to cosponsor H.R. 3936.

Carhaul Arbitration Committee Meets



The National Automobile Transporters Joint Arbitration Committee met in Washington, D.C., at International headquarters, June 1, 1990, to resolve several grievances. Union Cochairman Ernest Tusino and employer Cochairman R. Ian Hunter presided.

Negotiations Status:

UPS Ballots in the Mail

s this issue of *The International Teamster* went to press, ballots were in the mail for UPS members' consideration of the 1990–93 master contract and supplements.

On June 25th, Teamsters General President William J. McCarthy and the IBT General Executive Board convened a meeting of the Teamsters/UPS National Negotiating Committee and the Two-Man Committee in Chicago, Illinois, for purposes of voting on the entire package negotiated by the Union with the employer.

Considered at the meeting was, as McCarthy stated, "the company's last and final offer." Although the contract's wording was acceptable to the Committee, the monetary items were not satisfactory. The vote by the Committee for rejection of the entire package was unanimous.

After the vote the company telegrammed the Union, looking for further negotiations. The company had increased its previous monetary offer, but the National Negotiating Committee maintained its position of not recommending it to the membership.

Pursuant to the vote and the Union's unchanged position to reject the contract, the ballots were mailed out to the membership on July 12th, so that the members would have the opportunity to vote in the direct mail referendum on the ratification of the National Master United Parcel Service Agreement, including the applicable Supplements, Riders, and Addenda.

Weinmeister Hosts WCT Luncheon For Dave Beck's 96th Birthday



International Vice President Arnie Weinmeister (right) recently hosted a birthday luncheon celebrating the 96th birthday of former Teamsters General President Dave Beck (left).

good time was had by all at an annual luncheon in Seattle, Washington, recently celebrating the 96th birthday of former Teamster General President Dave Beck.

Hosting the event was International Vice President and Director of the Western Conference Arnie Weinmeister.

Beck was born in Stockton, California, and moved to Seattle at the age of three. He began his career with the Teamsters as a laundry driver, ascending to the presidency of the International Union in 1952. He retired in 1957.

Guests at the luncheon celebration included family members, longtime friends, and close associates of the former Teamster leader. Among them were: Wally Zemeck, retired assistant to Weinmeister in Seattle Local 117; Ray Frankowski, executive assistant for Local 986, Los Angeles; Jack Kriebel, former member of Local 882, Seattle; Ernie Steele, former defensive star for the Philadelphia Eagles and owner of a restaurant in Seattle's Broadway District; Jim Farrington, IBT auditor; Al Irvine, former owner of Sunset Distributors in Seattle; and Jim Clark, recently retired secretary of Local 882.

Also present were: Walter Engelbert, executive assistant to Weinmeister in the Western Conference; Jim Hughes, former director of the Washington Department of Labor and Industries; Buzz Meek, retired Seattle contractor; Dick Klinge, former secretary of Teamsters Local 309 and a lifelong friend of Beck's; Ed Donohoe, retired editor of the *Washington Teamster*; and Dave Beck Jr.

International Vice President Weinmeister acknowledged Beck's notable career in the Teamsters Union, and praised the progress the Union showed throughout his administration.

Simmons Flight Attendants Ratify Teamster Contract

light attendants at Simmons Air, Inc., a commuter airline based in Chicago, Illinois have ratified a Teamster contract after a long, drawn out fight caused by a series of changes in management.

re

C

M in To

ti

5

"The key to our success was the fact that Local 781 stayed with the workers," said William F. Genoese, director of the IBT Airline Division.

The National Mediation Board conducted a representation election for the Simmons flight attendants, who were unorganized, and the Teamsters won. At the time of the Teamsters' certification, Simmons was providing commuter service for American Airlines out of Chicago, and for Northwest Airlines out of Detroit.

Company Is Sold To AMR

A short time later Northwest switched to another carrier, and Simmons consolidated its operations in Chicago. Simmons' owners then sold the company to AMR, the parent company of American Airlines.

The Teamsters negotiating committee held a series of meetings with Simmons executives. There were constant changes in the company's executives suite, and the negotiations dragged on and on.

Finally a tentative agreement was submitted to the flight attendants, who ratified it by a vote of 97 to 7. There are about 200 workers in the unit.

Genoese credited Local 781 President Joseph Bernstein and Business Representative Richard Smith with the Union's success at the bargaining table.

Freight Agreement with Central Transport, Inc. Wins Resounding Ratification by Membership

n June 25 Teamsters Freight Division Director R.V. Durham announced that the Teamsters National Freight Industry Negotiating Committee's (TNFINC) recent round of negotiations with Central Transport, Inc. of Warren, Michigan, had met the overwhelming approval of 87 percent of the Teamsters membership employed by Central Transport. According to Durham, "the preliminary contract proposals had been rejected twice by the members, but this time, we got most of the provisions which the members had found lacking in the previous contracts." The victory represents approximately one year of intense contract negotiations.

1e

*1*e

Of the total 768 secret ballots mailed, 606 were returned, with 527, or 87 percent, in favor, and 79, or 13 percent, opposed.

This addendum to the Teamsters National Master Freight Agreement has a number of provisions which go into effect retroactively. For example, \$7.5 million will be paid retroactively within 30 days of the contract ratification.

Many Provisions Retroactive

Other important provisions include:

 payment of all vacation and sick pay retroactively

• The company will "red circle" all Central Transport employees by number.

• The 20 holidays owed will be paid to all owner operators without a requirement for qualification upon ratification.

• All "90 percenters" will be increased to 100 percent pay retroactive to April 1, 1988.

• All fuel adjustments will be retroactive to April, 1988.

• The blending of fuel and motor oil will cease immediately, and

• The agreement will expire

along with the National Master Freight Agreement on March 31, 1991.

There are additionally numerous favorable provisions in the contract which were viewed as negotiating triumphs by the members.

There were several factors which made this latest round of negotiating particularly challenging for TNFINC.

Central Transport has demonstrated that in its efforts to accommodate a substantial part of its operations to the automotive industry, it has developed a unique—or hybrid—operation which is neither "Truck Load" nor less than "Truck Load," as those terms are generally understood in the trucking industry.

The negotiations were long and arduous according to Durham, and "the insight and personal involvement of Teamsters General President William J. McCarthy in the negotiations made the difference between a good contract, worthy of the members' approval, as opposed to a contract not acceptable to the members."

Announcing the contract ratification vote, Durham also expressed his appreciation to Freight Coordinator Carlow Scalf of Teamsters Joint Council 43, covering the State of Michigan; William Bernard, secretary-treasurer of Teamsters Local 164 in Jackson. Michigan; and to Teamsters International Representative Chuck Piscitello, from the Eastern Conference of Teamsters. "Without the dedication and perseverence of these three freight experts, and the assistance they gave to the General President and to me, I feel that the provisions in the final contract would not have been as favorable as they are they deserve a lot of credit."

Back Pay Award



Local 838 member John Armstrong, Kansas City, Missouri, an employee of County Beverage Company, proudly displays a check in the amount of \$18,486.25. The check is in settlement of a recent arbitration case, which ruled that Armstrong has been discharged without proper cause.

Teamsters Dairy Conference Convenes Meeting, Plans Counterattack Against Dairy Conglomerates

s the largest dairies in the United States and Canada are growing even larger, their hostility toward labor unions is also growing. That is why delegates to the annual meeting of the Teamsters Dairy Conference of the U.S.A. and Canada unanimously passed a resolution designed to confront the challenges to union workers posed by the dairy giants.

"We are moving forward," Robert E. Marciel, chairman of the Dairy Conference, told the delegates. "We are not going to stand still while under attack. We have built some of the finest labor agreements in North America, and we are going to build from that base to meet head-on the challenges before us."

Resolution Targets Big Dairies

The resolution passed by the Teamster delegation calls for three separate measures that will help in confronting the dairy conglomerates:

• The resolution calls for the establishment of a special committee comprised of representatives of the Dairy Conference who will be available upon request to any Conference local that is facing a union-busting threat or severe difficulties in negotiations. This



Willie Whelan, president of Local 584, New York, New York, outlines methods of improving services to Teamster members.



This group of Canadian delegates discussed strategies for strengthening Teamster representation and improving services to the membership.

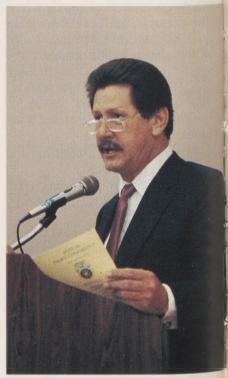
expert committee will come into a local union and assist in putting together a program to protect the membership.

• The delegates resolved that the Dairy Conference should start collecting information on all dairy contract settlements in order to build a computerized bank of contract information to be made available to all dairy locals. Acting as an informational clearinghouse, the Dairy Conference can then help Teamster dairy representatives stay apprised of collective bargaining trends and developments.

• The delegates' unanimous resolution also calls for the Policy Committee of the Conference to review and make recommendations on all dairy contracts negotiated by Conference locals. This reflects a strategy to maintain and improve wage rates, benefits and work rules.

Marciel Promises to Unite Locals in Fighting Conglomerates

Marciel stressed that the value of all three of the measures outlined by the resolution are dependent upon the voluntary participation of Dairy Conference locals. Encouraged by the unanimous endorsement of the principles, the Chairman promised his full commitment to uniting Teamster dairy locals in the Union's fig



"We are moving forward," Dairy Conference Chairman Robert E. Marciel told delegates.

fight against the growing hostility of dairy conglomerates.

Teamster Leaders Address Delegates

The Conference meeting opened with a message sent to the delegates from Teamsters General President McCarthy in which he praised Marciel and the Dairy Policy Committee for establishing some of the "highest standards for union representation in the Teamsters Union.

"I wish you the best of luck in your important deliberations, and I promise you my full support in meeting the challenges that lie before you," McCarthy wrote the delegates.

International Vice President Jack Cox spoke to the delegates about recent developments in the government's RICO suit against the International Union. Praising Marciel as "a true trade unionist," Cox encouraged the delegates not to miss "the opportunity to organize" new members.

International Vice President Ed Lawson addressed the delegates, commending them for their support of the Conference. A native of Canada, Lawson discussed the potential impact on employment resulting from the recently signed U.S. and Canada free-trade agreement.

In local union reports, many delegates spoke of a new bargaining climate that has become increasingly troublesome for union negotiators. Many Canadian delegates, including Dave Kozak, who is a member of the Conference's Policy Committee as well as secretary-treasurer of Local 464 in Vancouver, British Columbia, spoke of Canadian members' fears that Canadian-based dairies would foresake their workers and rush to capitalize on the cheaper prices of dairy products in the U.S.—a practice that would be allowed under the terms of the new trade agreement.

Conference Challenges Are Subjects of Debate

Ron Douglas, legislative and research director for the Canadian Conference of Teamsters, gave a detailed description of the freetrade agreement and discussed its potential impact on both the Canadian and American labor movements.

Chuck Gagnon, the dairy representative for the Eastern Conference of Teamsters, spoke to the delegates about the importance of "service, communication and cooperation" in meeting the challenges of rapid consolidation in the dairy industry.

Several representatives of the IBT conducted programs for the Dairy Conference meeting. IBT Education Director Art Kane and his assistant, Sally Payne, led the delegates through a program designed to help the local leaders think strategically about improving their representation of the membership. During this workshop, the delegates developed specific goals and plans for making their locals more responsive to the needs of the workers. Many commented on the need for improved communications between the dairies and their workers, and between the Union and its members. Several Teamster leaders also spoke of the need to harness the resources of the entire International Union to confront attacks by large corporations.

Diane Branthover, a representative of the Teamster Affiliates Pension Plan, offered an informative description of the services and benefits that are part of the pro-



Doug Marshall, of Darigold, Inc., reviewed economic and political forces affecting the dairy industry.

gram. IBT Organizing Director Vicki Saporta gave an instructional session on how to win organizing campaigns.

Industry Experts Share Their Insights

On the last day of the meeting, the Dairy delegates heard from two non-Teamsters: Doug Marshall, a representative of Darigold, Inc., the largest dairy cooperative in the U.S. Pacific Northwest, spoke to the delegates about economic trends and about legislation that will have an impact on the dairy industry.

Concluding the annual meeting, Marciel encouraged the delegates to embody the Conference's slogan-"Teamsters: People Helping People." "It's what we do best," Marciel said. "Thank God I have trade unionists like you around me to make this Dairy Conference so

successful."



Dairy Conference Treasurer Anthony Carlino introduced a resolution, unanimously passed by the delegates, to combat hostile dairy chains.

Teamsters Receive National Recognition Award From the American Red Cross

eamsters General President William J. McCarthy and the International Brotherhood of Teamsters were given an award on June 18 by the American Red Cross for their assistance and generous donations with the fall, 1989, "Disaster Relief Campaign."

Mother nature demonstrated her awesome, unpredictable power twice during the fall of 1989. In a four-day rampage in September, Hurricane Hugo wrought havoc in the Caribbean and the Carolinas. Winds of 135 miles per hour and 16–foot waves claimed at least 65 lives, damaged or destroyed 160,000 homes, and left survivors with a monumental cleanup and rebuilding task.

Just 29 days later, Northern California felt nature's fury when a massive earthquake wrenched the San Andreas Fault. The entire nation witnessed heartbreaking tragedy, as the violent tremor toppled buildings, ignited infernos, and took dozens of lives.

Yet, in the aftermath of these devastating back-to-back disasters, something wonderful and heartening happened. Millions of Americans, both individually and in groups, were deeply moved by the plight of neighbors and strangers alike, and came to the aid of nature's victims through the American Red Cross. Thousands volunteered to help the hurricane and earthquake victims, and some two million people reached into their pockets to support the Disaster Relief Fund.

Caring Teamsters Donate To Disaster Relief Fund

Thanks to caring Americans like the Teamsters, \$130 million poured in to the Disaster Relief Fund. This generosity enabled the American Red Cross to conduct the most extensive and expensive recovery program in its history.

This relief effort stretched from St. Croix in the U.S. Virgin Islands to Santa Cruz, CA. Seventeen thousand Red Cross workers opened more than 800 emergency shelters and housed 188,000 displaced people. The American Red Cross served 12 million meals and provided financial help to 143,000 disaster victims. Moreover, the disaster operation will continue until all the emergency needs are met.

The Teamsters Union provided in-kind contributions from companies which employ Teamster members and friends of the Union.

During the course of the relief efforts for Hurricane Hugo, shipments of mass care supplies were moved south from New York and Ohio at no cost to the Red Cross. Once in South Carolina, a number of Teamsters stayed on with the Red Cross as volunteers.

Western Conference Assists California Earthquake Victims

In California one month later, the efforts of the Western Conference of Teamsters and Local 912 in Watsonville, CA, produced the following:

- 3000 sheets of plywood used for walls and flooring in shelters
- 10,000 pounds, each, of beans and rice
- Loans of a number of forklifts
- Loans of hundreds of pallets
- The use of 19 trailers for storage of mass care supplies in Santa Cruz, CA, for up to four months
- Tents, blankets, and hundreds of cases of food



- Use of the Union Hall as a training facility
- Three volunteer bilingual caseworkers
- Manpower to staff the main warehouses in Oakland
- Use of another warehouse for storage and distribution of mass care supplies for three months

Red Cross Praises IBT For "Astonishing" Response

The award presented to General President McCarthy and the Teamsters honors the spirit of giving and generosity this Union is known for and on which it prides itself. As the Red Cross noted, "Your response has been truly astonishing—and heartwarming." Once again, Teamsters have lived up to their motto of "people helping people."

Teamsters Win \$60,000 Back Pay Award For Improperly Discharged Overnite Driver

n a major victory for all Overnite workers, Teamsters Local 651 in Lexington, Kentucky, recently won a decision at the National Labor Relations Board (NLRB) for discharged driver Danny Stevens. The Teamster victory has been a great boost to the Union's efforts to organize Overnite employees.

In a strongly worded opinion, the NLRB declared that Overnite had violated Federal labor laws by "unlawfully discharging" Stevens because of his union activities. The Board ordered Overnite to reinstate Stevens and repay him for lost wages and benefits from the time of his improper discharge.

Overnite has offered to pay Stevens \$60,000 in back wages and interest, if he will agree not to return to Overnite, but he has refused. The federal government is now demanding in court that Overnite reinstate Stevens to his former job and end any further violations of law. Meanwhile, as Overnite refuses to obey the legal order and Stevens holds firm, the amount of money Overnite owes continues to grow.

Stevens said that he greatly appreciated the help the Teamsters have provided him and urged all Overnite workers to step forward and sign union authorization cards.

Overnite Breaks the Law, Discharges Union Activist

Overnite fired Stevens, because he testified against the company at a government hearing held to investigate the unjust firing of two of his coworkers. Terminal managers had trumped up some phony charges about Stevens' being fired for leaving his truck unattended at a customer's dock, but with professional Teamster representatives preparing his case, the com-



(From left): General President William McCarthy, Overnite driver Danny Stevens, and Local 651 President Ray Cash review the NLRB ruling that the Teamsters Union won for Stevens from Overnite.

pany could not make the phony charges stick. NLRB attorneys from Region 9, based in Cincinnati, Ohio, found that Overnite had broken the law. They successfully argued their case before an administrative law judge.

Overnite Workers Are the Winners

Overnite workers have asked the Teamsters Union to organize the company not only to get the superior wages and benefits that Teamster members receive but also to be protected from unfair treatment by management. The decision that the Union won not only helps Stevens but also provides some basic protection for all Overnite workers.

The government ruled that Overnite had to post notice promising its workers: "We will not discharge any employees because of their union activities or because they give testimony before the National Labor Relations Board."

McCarthy Praises Ruling, Criticizes Overnite

Teamsters General President William J. McCarthy praised the NLRB ruling in a message to all Overnite workers, saying that this case proves Overnite will violate federal laws in order to deny their workers the right to join a union. "Our professional staff fought hard for Danny Stevens, even though he wasn't a member. Just think what we could do for all Overnite workers if we were their full-time bargaining representative," General President McCarthy declared.

"Just think what we could do for all Overnite workers if we were their full-time bargaining representative."

—General President McCarthy

al

Pennsylvania Conference of Teamsters Celebrates Victorious Year



The Honorable Mike Veon of the Pennsylvania House of Representatives, a chief proponent of Commercial Driver's License legislation on behalf of Teamsters, spoke at the session.

he Pennsylvania Conference is standing up and taking politicians and employers head on." With those words, Pennsylvania Conference President John P. Morris summed up a successful year for Keystone State Teamsters at their annual meeting June 4 through 6 in Hershey, Pennsylvania.

Morris, who also serves as president of Joint Council 53 and secretary-treasurer of Local 115 in Philadelphia, outlined a string of victories during the past 12 months, highlighted by passage of a strong Commercial Drivers License (CDL) bill in the Pennsylvania Legislature. "This legislation, which your political power achieved, could serve as a model for Teamster efforts in other states," Morris told the delegates. "We were able to preserve all four provisions most critical to

Teamster drivers in the final version of the bill, thanks to your political activism and DRIVE participation."

The Pennsylvania Commercial Drivers License bill is indeed the best version obtainable under the federal guidelines. It includes:

- Occupational "Bread & Butter" License—This license permits drivers of commercial motor vehicles to continue to drive a commercial motor vehicle if his/her personal driving privileges are suspended, unless the reason for the suspension is a disqualification under federal law.
- Employee Protection—This provision says that drivers cannot be disciplined for refusing to drive an unsafe commercial vehicle. It pro-

vides intrastate protection identical to protection already contained in federal law applying to interstate drivers.

to

- Indemnification of drivers for vehicle violations—This provision would relieve drivers of penalties and fines due to vehicle violations (not driving violations) and places penalties and fines with owners or operating companies.
- One version of written tests— There will be only one version of the CDL general knowledge test and each endorsement test. The use of one test should reduce confusion in the testing procedure and emphasize that what is being tested is driving knowledge—not a driver's literacy skills.



(From left): Joseph P. Santone, secretary-treasurer of the Pennsylvania Conference of Teamsters; Senator Arlen Specter (R-PA); and John P. Morris, president of the Pennsylvania Conference.

Conference President Morris also lauded the Teamsters' commitment to DRIVE. "Once again, the Pennsylvania Conference is a leading contributor to the national political action committee. You are making our voice heard and listened to, not just in Philadelphia and Harrisburg, but in Washington, D.C., as well. We're a force on the national scene and we're staying there," Morris noted.

al-

ral

ate

for

ro-

ers

to

iv-

ces

n-

ral

n-

of

n-

ce-

ng

U.S. Senator Arlen Specter (R-PA) addressed the group in the opening session and told them he was proud to stand with the Teamsters on labor and education issues. "In the few short years it's been in existence, the Pennsylvania Conference of Teamsters has

grown into a powerful voice for the working men and women of this state, and my door is always open to you," Specter said.

Among the other speakers addressing the Conference were F. Joseph Loeper, majority leader of the Pennsylvania Senate; William DeWeese, majority leader of the Pennsylvania House of Representatives; minority leader Matthew Ryan; State Representative Michael Veon; Pennsylvania Conference Secretary-Treasurer Joseph P. Santone; Joint Council 73 President Frank Carracino; IBT Director of Legislation David Sweeney; and Professor Allen Robinson of the Indiana University of Pennsylvania.

29th TLA Class



The June '90, 29th class of the Teamster Leadership Academy held at the IBT headquarters in Washington, D.C., brought together 26 local union officials from across the U.S. and Canada. They included: Monte Ingram, business agent, Local 38, Everett, WA; Frank Besciglia, assistant business agent, Local 191, Bridgeport, CT; Michael Helme, business agent, Local 210, New York, NY; Ron Cage, Arthur Rhodes, and David White, business agents, Local 355, Baltimore, MD; Pat O'Leary, secretary-treasurer, Local 484, San Francisco, CA; Howell B. Joiner, recording secretary, Local 523, Tulsa, OK; Joe Medearis, trustee, Local 523, Ponka City, OK; David Acuna and Don Cruickshank, business agents, Local 542, San Diego, CA; Frank Calvert, business agent, Local 557, Baltimore, MD; Larry D. Goldsberry, and Bernard J. Moore, chief stewards, Local 608, Louisville, KY; Dick Reid, business representative, Local 624, Santa Rosa, CA; Larry C. Jepson and Robert R. McClone, business agents, Local 631, Las Vegas, NV; John Moro, business agent, Local 731, Chicago, IL; Michael Ebner, vice president, and John Zochowski, president, Local 744, Chicago, IL; Dale Fijalkowski and Paul Stripling, business representatives, Local 781, Chicago, IL; Frank Cuz, president, and Bob Diaz, business agents, Local 857, Sacramento, CA; Frank Sevilla, and Jerry Wiley, business agents, Local 952, Orange, CA.

Rose Ledet Appointed to Court Post



ose Ledet, a New Orleans attorney and daughter of Teamsters International Vice President Mitchel Ledet, was recently elected Clerk for the First City Court in New Orleans, Louisiana.

Rose, a native of New Orleans, attended Loyola University. There she received a bachelor of arts degree in communications and continued her education by enrolling in Loyola's Law School. She received her Juris Doctor in May 1985.

While studying as a law student, Rose distinguished herself and was cited by the school's Law Clinic for outstanding service. She was also recognized for her leadership while serving as vice president of the Law School's Black Law Students Association.

Rose began her professional career with the City Attorney's office in New Orleans. She worked as an assistant city attorney and got firsthand experience of the legal workings of government.

After serving as an assistant city attorney, she entered private practice with one of New Orleans' leading law firms.

Ontario Freight Local

Holds Stewards' Seminar



Local 938 stewards attending one of two similar weekend seminars.

eamsters Local 938 In Mississauga, Ontario, received an overwhelming response to its announcement of a shop stewards' seminar and decided to hold two weekend seminars to accommodate the 173 participants.

Shop stewards from the Overthe-Road Freight Division attended the seminar held in February, and stewards from the Car-Carriers Division participated in the seminar held one month later. Joint Council 52 President Charles Thibault, who also serves as principal officer of the local. and Education Director Al LeFort of Joint Council 52, were instrumental in organizing the events. with financial assistance from the Canadian Conference's federally funded Education Department.

Thibault welcomed the participants and introduced the Executive Board, staff, and guests. Among the guests was Conference Education Director Nicole Mercier, who brought greetings from Director Louis Lacroix on behalf of the

Conference.

The program commenced with an update on the participants' pension plan. Dave Harvey and Joe Jaseliunas of Benefit Plan Administrators, Ltd., gave a broad outline of the history of the Motor Transport Industrial Relations Bureau (MTIRB) pension plan and detailed the various options at retirement that it offered.

The seminar continued the following day with LeFort conducting the balance of the program.

First on the morning's agenda, Saul Bronder, director of Library Services at the IBT headquarters in Washington, D.C., gave an interesting narration of the history of the Teamsters Union. This was followed by a presentation by Rich Ouellette, a Workers Compensation Board (WCB) field representative. He discussed the WCB modified work program.

Next, a short play performed by a theatrical group from Toronto's Trinity Theatre was a highlight of the seminar. In an entertaining vein, the play provided a deft, informative look at a subject shop stewards take seriously—the grievance procedure. The play was based on an actual grievance case that the local had pursued through arbitration and won.

The course also covered another serious issue-that of safety and health in the workplace. The participants gave their full attention to two representatives of the national and provincial Labour Ministries, Paul Strohack and Patrick O'Reilly, respectively, who gave an in-depth presentation on safety and health, focusing on the worker's right to refuse unsafe work.

D

fo

0

To wrap up the seminars, Charles Thibault and Secretary-Treasurer Howard Shelkie, of Local 938, presented certificates to the stewards in attendance. On behalf of the local, Thibault thanked the Conference's Education Department for its assistance: the IBT for enabling Saul Bronder to contribute his expertise to the seminar; and the guests for their presentations.



(From left): Local 938 President Charles Thibault, Canadian Conference Education Director Nicole Mercier, and IBT Director of Library Services Saul Bronder.

Teamster Honored by Little City Foundation



)'s

of

ng

n-

qc

V-

ed

at

r-

er

nd

r-

on

a-

n-

ck

an

nd

's

er

e-

ds

10

or

ng

is

(From left): Bill Hogan, Jr., and Bob Dachman, Little City executive director.

Bill Hogan, Jr., president of Local 714, Berwyn, Illinois, and director of the IBT Trade Show and Convention Center Trade Division, was recently honored as 1990 Board Member of the Year by the Little City Foundation, a national program for the developmentally disabled.

Hogan, a member of Local 714 for the past 29 years, has served as an organizer, negotiator, and vice president of the local and was elected its president in 1969. Involved with Little City for many years, Hogan was recognized in particular because of his support of "Families One," a program developed by the foundation which trains inner-city families to care for their children with disabilities, so that they can continue to live at home.

Little City Foundation held a dinner in Chicago in June, attended by over 800 people, honoring Hogan, and issued the following statement:

"It is with great pride that we honor Bill Hogan, Jr., as our 1990 Board Member of the Year. He joins an illustrious group of Chicagoans who have made significant commitments to children and adults with mental retardation and other developmental challenges.

"Bill Hogan, Jr., has been a leader in helping Little City Foundation reach out nationally to people with developmental challenges. His efforts have helped to create a new era in which people served by the programs and services of Little City Foundation have been able to become independent and self-sufficient.

"Bill Hogan, Jr., continues to help us grow and move forward so that we can live in a society that does not segregate or separate people because of their disabilities but focuses upon their abilities."

Little City: A Place of Love

For 31 years, Little City Foundation has provided love, support, and understanding to the children and adults who live on their Palatine, Illinois, campus. Their goal is to help their residents enjoy productive and independent lives so they can reach their full potential and have a "first-class chance at life."

Little City is committed to:

- Recognizing the abilities—not the disabilities—of children and adults with mental retardation and other developmental challenges.
- Developing and providing the

best services to people with mental retardation and other developmental challenges so they can live and participate equally and equitably in all aspects of our community and society.

- Believing that the potential of individuals with developmental challenges will be discovered through positive experiences and respect.
- Providing the values of home and family to children and adults with developmental challenges while helping them to help themselves.

The International Brotherhood of Teamsters has a long-standing commitment to Little City. For at least 10 years, the Union has been contributing to Little City's national program through funds raised by sponsorship of the annual Teamsters' Invitational Golf Tournament.

Teamsters can be justifiably proud that one of the IBT's national directors and local union officers was honored by Little City. Teamsters also can be proud to support such a worthy cause that teaches people with various disabilities to make it in a difficult world.



(Pictured, from left): Bill Hogan, Jr.; his wife, Ginni; his mother, Winni; and his father, William Hogan, Sr., at the dinner.

Notice: Current Addresses Needed

Name

Local Union

Name

Local Union

ttorneys for the local unions representing Teamster members in the Wilson Freight Company bankruptcy are attempting to locate the following former employees. Anyone with information concerning the present address of any of these individuals should contact:

Cohen, Weiss and Simon 330 West 42nd Street New York, New York 10036

Attn: Mr. Chris Davey

or call

(212) 563-4100 before August 27, 1990

These individuals must be located *before that date* in order to be eligible for a distribution.

IBT/Wilson Freight Company-debtor List Of Missing Teamsters June 11, 1990

<u>Name</u>	Local Union
Adams, M.T.	728
Adcock, J.C.	745
Albee, D.E.	251
Anderson, M.D.	610
Andrews, G.	878
Ashley, O.	41
Ashworth, Charles R.	
Autuori, G.	707
Below, G.M.	430
Boncek, L.	191
Burns, E.	745
Calcagni, E.	251
Clayton, Donald Ray	391
Clutter, D.F.	654
Colby, R.E.	776
Coleman, A.	745
Coleman, G.	728
Craig, R.D.	714
Crook, Mary J.	878
Crook, Stephen A.	878
Culbreath, B.	745
Cunningham, H.	878

<u>Ivame</u>	Local Union	<u>Name</u>	Local Union
Dalton, B.	592	Kreceman, B.	878
Daniels, A.R.	745	Lachowsky, A.	878
Davidson, W.L.	618	Lane, C.	671
DeBisschop, H.F.	671	LaPlante, P.E.	251
Dees, G.	364	Lawrence, Jerry L.	745
Depriest, J.W.	823	Lightner, C.W.	776
Dini, P.W.	776		512
Dion, Jr., F.P.	251	Lykes, H.	
Donley, B.	523	MacLean, J.	107
	560	Manak, J.A.	776
Duncan, M.		Martell, F.L.	107
Dunn, J.M.	957	McClintock, D.L.	776
Davis, B.J.	654	McConville, W.	776
Davis, J.D.	878	McCollum, R.	600
Ehrhart, N.E.	776	McCartney, A.C.	710
Ellis, C.N.	654	McNulty, W.	710
Ervin, George T.	988	McNail, R.	610
Farmer, W.	560	Medina, M.	25
Fidler, J.	107	Metheney, P.	92
Fogarty, T.	375	Mimikos, J.	560
Foley, Sr., L.J.	776	Middleton, H.	776
Francis, R.E.	25	Misener, G.	375
Frazier, W.	592	Morrill, R.A.	92
Frost, H.	600	Mullins, Jr., C.A.	407
Gates, R.B.	523	Nesbitt, T.	654
George, V.E.	891	Neill, G.W.	710
Gott, R.	560	Nichols, J.	710
Govora, M.	776	Norris, L.A.	776
Graybill, K.M.	776	Novak, J.	560
Greenfield, I.	25	Olsen, C.	560
Griggs, L.	600		170
Hamblen, H.E.	728	Pardee, W.	
Hamm, L.S.	745	Pasquino, J.	90
		Peterson, L.	878
Hann, Larry A.	Unknown	Pickett, R.C.	654
Haramija, J.	641	Pool, R.L.	988
Harms, Leon R.	Unknown	Price, W.	745
Henderson, M.E.	41	Puccini, A.	560
Hewett, H.	25	Robbins, R.G.	135
Hill, T.E.	71	Roberts, D.E.	957
Hill, W.Q.	135	Rudo, B.	641
Howsare, E.S.	776	Rudy, R.A.	710
Iolme, J.	240	Rummerfield, L.D.	716
Jackson, H.L.	557	Russel, G.	957
Jaynes, S.H.	654	Rush, M.E.	104
Jones, Raymond D.	391	Satterfield, J.G.	600
Johnson, E.	878	Sauer, E.	560
Johnson, T.R.	557	Schwab, J.F.	560
Kadich, E.K.	299	Seilheimer, C.	702
Kelley, D.	135	Shult, E.C.	560
Kellum, L.D.	745	Silitsky, B.	641
Kennedy, C.	878	Stinsman, J.J.	560
King, R.L.	89	Scoggins, J.	41
Koester, Martin R.	654	Skeel, C.E.	400
Kowalsky, E.	710	Smith, J.L.	654
Tioriality, L.	110	Omitin, J.L.	034

nion |

<u>Name</u>	Local Union
Snell, R.	449
Snyder, James F.	Unknown
Souther, J.	391
Stoerrle, G.W.	107
Suders, Glenn W.	Unknown
Szymkowski, C.W.	407
Tempalsky, W.	560
Temple, N.	251
Thomas, F.	600
Thorne, J.	710
Thornton, R.L.	654
Toldo, A.	917
Tyson, E.	560
Tyson, P.	560
Ungaro, A.	375
Walters, W.F.	654
Williams, F.E.	92
Williams, D.	202
Yetton, L.A.	251



PROTECT YOUR
INTERESTS...INVEST
IN AMERICA
BUY AMERICAN WITH
THE UNION LABEL

union label & service trades dept., AFL-CIO

Detroit Local 214 Wins Representation Battle

ive years ago, the city of Ann Arbor, Michigan, unilaterally removed the Teamsters contract and bargaining rights of three deputy chiefs of police.

Since that time Local 214, Detroit, has been fighting to reinstate the bargaining rights of the three command officers. Through arbitration, unfair labor practice charge hearings, and court litigation, the battle has finally been won. The contract and the bargaining rights of the officers have been reinstated, and the local was successful in winning a \$180,000 settlement on behalf of the three.

"Local 214 has proved that we do not intend to walk away from anyone as long as they want to be represented by the Teamsters Union," said Joseph Valenti, president.

Southern Conference Teamsters Place 1st in MS Walkathon



The office staff of the Southern Conference of Teamsters recently placed first in a walkathon to raise funds for the Multiple Sclerosis Society in Fort Lauderdale, Florida. The Teamster Team was declared the championship challenge team by submitting the highest dollar average per team member—a whopping \$1,154 per walker, for a team total of \$8,078. Contributions from the Southern Conference, the Georgia-Florida Conference of Teamsters, and various Teamster local unions, as well as from individuals and local businesses, helped the Teamster Team achieve its goal. Pictured above are Team members (from left) Rhea Crocher, Linda Pappas, Pat Calloway, and Jean Martin. Other Team members (not pictured) are Sandy Stone, Lynn Bauman, and Barbara Garwood.

Educating Tomorrow's Leaders— A Continuing Teamster Commitment

he International's 1989–1990 Scholarship competition for \$75,000 in college scholarship funds has just been completed. The recipients have been notified as well as their local unions for purposes of holding awards ceremonies. Begun in 1966 with eight scholarships awarded, the Scholarship Fund has continually grown to where, today, educational assistance is provided to 25 deserving Teamster children.

The IBT Scholarship Fund Program awards 10 \$6,000 scholarships each year (two in each of the five area conferences) and 15 \$1,000 "Bootstrap" awards (three in each of the five area conferences). To be eligible an applicant must be in his or her senior year of high school, be in the top 15 percent of his or her class, have high SAT or ACT test scores, and show financial need. The competition is open only to the sons and daughters of active, retired, disabled, deceased, or recently laid-off Teamster members. Dependents of International and affiliate officers and employees are not eligible.

Applications Completed by 1,823 Students

A total of 1,823 students completed application requirements for this year's scholarships. From these applicants 125 finalists were selected by a computerized evaluation of each applicant's credentials and financial needs. A panel of impartial Admissions and Financial Aid Directors from well known colleges and universities in the Washington, D.C., area then had the difficult task of selecting the 25 most deserving applicants to receive scholarships from the IBT Scholarship Fund. This year's Scholarship Selection Committee was made up of the Admissions Directors of George Mason University in Fairfax, Virginia, and Catholic University of America in Washington, D.C., and of the Financial Aid Director of Howard University in Washington, D.C.

The announcement for the upcoming 1990/1991 program is on the inside back cover of this issue of the magazine. If your son or daughter is entering his or her senior year of high school this fall, please send for information and an application.

The IBT is proud to announce the Scholarship winners for the 1989–1990 program year. The following profile of each of the \$6,000 recipients shows the hard work and dedication these youngsters have put forth. Each one has not only proven to be academically excellent, but has also shown a diversity of extracurricular activities and community service.

Our congratulations to the following:

EASTERN CONFERENCE



Debbie A. Catherman Mifflinburg Area High School Mifflinburg, Pennsylvania

Teamster Parent: Robert M. Catherman, Jr. is a truck driver for Leaseway Personnel Corp. and a member of Local 764.

Class rank: 1st out of 177

Honors: • National Honor Society • Who's Who Among American High School Students • National Merit Scholarship Qualifying Letter • Daughters of the American Revolution Social Studies Award

Activities: Debbie was Vice President and Home-coming chairperson of the Student Council, sports editor of the school newspaper, a member of the Spanish Club and Stage Crew for school plays. Active in sports, she played varsity softball and basketball, was Hockey Team Manager, and coached Little League summer softball.

College: Shippensburg University

Major: Secondary Education

Career Goals: "I would like to teach at the high school level. The people who have had the most profound effect on my life, aside from my family, have been teachers. I hope to be able to have that same influence on future students. Teaching has always been and will be one of society's most important professions and I have chosen it to be mine."

EASTERN CONFERENCE



ol-

ve

Agatha S. Pak Mattituck High School Mattituck, New York

Teamster Parent: Yong C. Pak is a carpenter with K. G. Brown Manufacturing Co. and a member of Local 840.

Class rank: 1st out of 102

Honors: • National Honor Society • Suffolk County Math Contests • National Social Studies Olympiad 1st Place Activities: Agatha was editor-in-chief of the school newspaper and active in the French Club and Math Leagues. She participated in numerous music-related events, was president and played lead clarinet in the Band, and lead tenor saxophone in the Stage Band.

College: Yale University

Major: Electrical Engineering

Career Goals: "I plan on obtaining a bachelor's degree in Engineering in order to provide myself with a strong, practical background. Afterwards, I shall attend either law school or business school and obtain a degree in International Law or Finance."

CENTRAL CONFERENCE



Lynne M. Fischer Waverly-Shell Rock Senior High Waverly, Iowa

Teamster Parent: Kenneth E. Fischer is a maintenance person for Carnation Company and a member of Local 650.

Class rank: 2nd out of 152

Honors: • National Honor Society • Academic Award—three years • Who's Who Among American High School Students • 4-H Sheep Award

Activities: Lynne was a member of the Talented and Gifted Program, the Science Club, and Spanish Club. She was also a member of the Iowa Junior Suffolk Sheep Association and the County 4-H Council. Lynne participated in the school band and choir as well as the church youth group.

College: Iowa State University

Major: Biology

Career Goals: "I have not yet decided what type of career I want to pursue. I have selected Biology as a major because of all the choices available in this field, which include veterinary science and research."



George R. Schmidt Center Grove High School Greenwood, Indiana

Teamster Parent: George Raymond Schmidt is a truck driver with Total Transportation & Warehouse and a member of Local 135.

Class rank: 8th out of 387

Honors: • Hoosier Boys State Delegate • Indiana State University Summer Honors Program in Physics • Indiana Science Olympiad 1st place • IUPUI Model United Nations Best negotiated resolution

Activities: George has been a member of the football team throughout his four years of high school, and a member of the wrestling team for two years. He was also a participant in many academic competitions and has worked part-time for the past two years.

College: Purdue University

Major: Mechanical Engineering or Physics

Career Goals: "I plan to achieve my undergraduate degree from Purdue, then possibly go to graduate school at MIT or Stanford where I will earn a doctorate in Physics or Mechanical Engineering. I plan to go into science research, either teaching and doing research in the university setting or doing research in the business world."

SOUTHERN CONFERENCE



Anh T. Dinh Palo Duro High School Amarillo, Texas

Teamster Parent: Vy-Nguyen is a forklift operator for IBP and a member of Local 577.

Class rank: 1st out of 309

Honors: • National Honor Society President • Principal's Academic Honor Roll • Bausch & Lomb Science Award • Texas Energy Science Symposium Representative

Activities: Anh was active in student government along with being a member of several Math and Science clubs. Throughout high school Anh was actively involved in teaching Catechism and Vietnamese, and participated in the church choir.

College: University of Texas at Austin

Major: Chemistry

Career Goals: "Presently, my career goals are oriented toward the Science field. Hopefully, after earning a degree in Chemistry, I will be accepted into medical school where I want to pursue a medical degree and become a practicing pediatrician."



Marlon Travelle Marshall Iowa High School Iowa, Louisiana

Teamster Parent: Wallace Marshall, Jr. is a truck driver for Matlack, Inc. and a member of Local 969.

Class rank: 1st out of 69

Honors: • National Honor Society • Daughters of the American Revolution Good Citizen Award • Louisiana Boys' State Delegate

Activities: Marlon was active in student government throughout his high school career and was elected president of the Student Council his Senior year. His other interests included basketball, the yearbook, and the Science Club. During high school Marlon has also held various part-time positions.

College: Louisiana State University
Major: Electrical Engineering

Career Goals: "The one career which I hope to learn more about is Electrical Engineering. My immediate goal is to earn a Bachelor of Science degree in this field and to be employed by a major corporation as an electrical engineer. After a few years in the work force, I intend to return to school to earn a master's degree and possibly a doctorate."

WESTERN CONFERENCE



Oriana S. Kim Marina High School Huntington Beach, California

Teamster Parent: Yong Zeung Kim is a truck driver for ANR Freight System and a member of Local 692.

Class rank: 1st out of 484

Honors: • National Merit Commended Scholar • Scholar Athlete Award • Who's Who Among American High School Students • Golden Shield Award Nominee Academic excellence for Math and Science

Activities: Oriana was student Class President, Chairman of the Prom Committee, and an officer of the Huntington Beach Youth Board. She also volunteered at a orphanage in Korea. Oriana participated in a dance performance group and enjoys playing classical piano.

College: University of California at Berkeley

Major: Biology

Career Goals: "It has always been my desire to have a career in medicine and at this time I believe I would like to become a pediatrician."

WESTERN CONFERENCE



Justin L. Kleber Apple Valley High School Apple Valley, California

Teamster Parent: Robert H. Kleber is a truck mechanic for Yellow Freight System and a member of Local 63.

Class rank: 1st out of 587

Honors: • Key Club Treasurer • Participant in Mock Trial Team Outstanding performance award • California Scholastic Federation

Activities: Justin was a member of the German, Spirit and Mathletes Clubs throughout his high school career. He was very active on the Mock Trial Team playing the roles of a witness and a defense and prosecuting attorney. Justin also held a part-time job with the same company during his four years of school.

College: University of California at Irvine

Major: Mechanical Engineering

Career Goals: "After I receive my Engineering Degree, I want to work in the field of Automotive Engineering more specifically, the engineering of the production of sport/utility vehicles and trucks. Eventually, I want to establish my own engineering firm and conduct offroad vehicle development."

CANADIAN CONFERENCE



Shana L. DeNeff Barriere Secondary Barriere, British Columbia

Teamster Parent: Michael R. DeNeef is a driver with Motorways and a member of Local 213.

Class rank: 1st out of 50

Honors: • Achieved Honour Roll

and Effort Honour Roll Status • Maintained straight A average through high school • Highly Commended Award in the International Royal Commonwealth Essay Competition—London, England • Academic Awards in Fine Arts, Math/Science, Humanities, and Physical Education

Activities: Shana was a member of the Students' Council Executive and the Athletic Council and has been involved in various clubs such as the Drama Club and the Ski Club. She was captain of both the Volleyball and Basketball teams. She was chosen an Ambassador from her school and community to participate in the first Pacific Rim Student Exchange Program to Japan and to participate in a Youth Conference in Ottawa.

College: University of Victoria

Major: English

Career Goals: "I would like to pursue a career in Education or Journalism. During college, I hope to maintain my grades in order to apply for a scholarship to study French abroad, as one of my long term goals is to become bilingual."



Russell W. Smith Argyle Secondary School North Vancouver, British Columbia

Teamster Parent: James W. Smith is a warehouseman with Interbake Foods, Ltd. and a member of Local 213.

Class rank: 11th out of 260

Honors: • Honor Roll student every year • National Mathematics Contest Placed top 25% of Canada • Athlete of the Year • North Shore Battle of the Bands Won 2nd place, twice

Activities: Russell played the trumpet for the Senior Concert and Jazz Bands, and is lead singer/guitarist in his own band, "Just Five Guys." He has been very active with the Counter Attack Program (against drinking and driving) and is a volunteer counselor for The Keats United Church Camp.

College: Capilano College

Major: Bachelor of Music

Career Goals: "I plan to obtain a bachelor's degree in Music through two years of studying at Capilano College, followed by two years at the University of British Columbia. I then plan to obtain a master's degree in Music. With these skills, I plan to work in the field of music as a teacher and/or performer."

Bootstraps Scholarship Winners

hese \$1,000, one-time scholarship awards are designed to help with the start-up costs associated with beginning college. The 15 students pictured here were also finalists for the larger \$6,000 scholarships. All have outstanding academic records and placed in the top five in their respective area conferences.

EASTERN



Michael A. Cherry



Regina M. Longo



Matthew C. Cottell

CANADIAN



Angela S. Groothof



Rayburn L. Ho



German Calvo

SOUTHERN



Teresa L. Langston



Robert J. Holt



Carolyn "Heather" Carter

CENTRAL



Jennifer L. Boss



Bradley J. Venisnik



Dawn D. York

WESTERN



Christopher W. Shaw

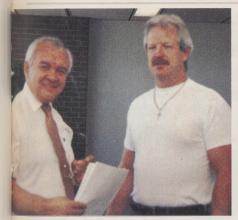


Raquel S. Smith



Mary C. Dittmer

Teamsters' Organizing Blitz Brings Office and Lab Workers into Canada Dairy Local



David Kozak (left) and Byron O'Neill.

t took just over seven weeks for Teamsters Local 464 in Vancouver, British Columbia, to bring almost 200 dairy workers into the Teamster fold.

The organizing campaign, which began in early April of this year, was in response to Dairyland office and technical staff concerns about company layoff and promotion procedures during the company's recent restructuring of operations.

Efforts to organize these employees in the Lower Mainland and on Vancouver Island met with success, when they voted overwhelmingly in favor of certification. On May 28, the Industrial Relations Council certified the new unit.

Secretary-Treasurer David Kozak, principal officer of the local, spearheaded the venture, together with Vice President Byron O'Neill and Business Representative Bernie MacDonald. Canadian Conference organizer Mike Crawford provided the local with his services and expertise throughout the entire process.

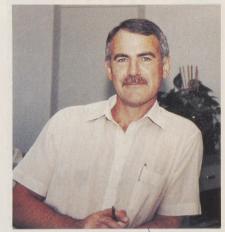
In addition to the skills, dedication, and cooperation of the organizing team, the resounding success of this drive may be attributed to three other key factors: the Teamsters already represent almost 1,200 Dairyland plant workers and drivers in B.C., including

office and lab employees in the interior and outlying regions of the province; the Teamsters have served the interests of these members exceedingly well, placing them among the highest-paid dairy workers in North America; and the local and company management share a unique bond of mutual respect and cooperation. This is underscored by the fact that they have not had a strike in over 70 years of collective bargaining.

The local and the company are now involved in the next step determining and coming to an agreement on the contract provisions affecting the new members.

The collective agreement, which should be finalized this summer, will form part of the "Master Agreement" for the B.C. dairy industry.

"A highlight of this settlement," notes Kozak, "is that we have 20 regular part-timers in the group. A service-oriented company such as Dairyland depends on part-timers to satisfy the unpredictable peak demands of the industry, and we Teamsters believe that these workers also deserve the security and benefits that only a labor con-



Vancouver, British Columbia, Local 464 Business Representative Bernie Mac-Donald.

tract provides to part-time workers.

"On behalf of the Teamsters, I would like to welcome our new members to the Union. We have worked very hard to make this achievement possible, and I sincerely thank Conference Director Louis Lacroix for making available to our local the invaluable services of Conference organizer Mike Crawford," says Kozak. "And I would also like to thank and commend all who were involved—this is truly teamwork at its best!"



Vancouver, British Columbia, Local 464 Secretary-Treasurer David P. Kozak (left) and Canadian Conference Organizer Mike Crawford, at Dairyland site in Burnaby, B.C.

SOCIAL SECURITY? MANY PEOPLE ONLY KNOW HALFTHE STORY.

Social Security will be paying benefits for retirement, dis ability, and to survivors, well into the next century. And it is working today in ways you may never have expected.

Cet the whole story about how Social Scenrity is working for you. Write for the free Booklet, "Social Security, How it works for you." Send your name and address to:

Social Security Pueblo, Colorado 81009





Social Security. It never stops working.

Local 966 Business Agent On 1990 USA Lacrosse Team



Local 966 Business Agent Vincent Sombrotto, New York, New York, was chosen for the 1990 USA Lacrosse Team which plays in the World Games in Australia this year.

eamster Business Agent Vincent Sombrotto, Local 966, New York, New York, was selected as a member of the 1990 USA Lacrosse Team which will participate in the World Games in Perth, Australia, this summer.

Sombrotto was a member of the 1982 USA World Team, which captured the world title by defeating Team Australia in the finals. He was selected "All-World" by an international panel of coaches.

In 1986, Sombrotto captained the USA World Team in Toronto, Canada, as the team successfully defended its crown. In Australia, he will try for an unprecedented third world title.

The Teamster Business agent was named in January as Assistant to Local 966 President Joseph Faicco. He is the son of Vincent R. Sombrotto, president of the National Association of Letter Carriers, AFL-CIO.

Attention All Members:

Notify Your Local Union

If there needs to be a change made in your mailing address . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

No. Above Name	
Name	
Street	
City	State Zip Code

New Orleans Local 270 Wins \$250,000

In 7-Year Fight for Severance Pay

t was a fight well worth the struggle.

After seven long years, Teamsters Local 270, New Orleans, Louisiana, can proudly claim victory over General Coffee Corporation, which filed bankruptcy in the early 1980s and disclaimed its contract obligation of severance pay to 75 Teamsters employees.

Determined to set things right, Local 270 pursued its case through bankruptcy court, at a cumulative cost of approximately \$50,000 to the local.

"After seven years," reports Local 270 Secretary-Treasurer Nolen LeBlanc, "we were successful in receiving the full amount owed, under the terms of the contract, to all 75 employees."

The checks ranged from \$433 to \$4,500, for a total of approximately \$250,000.

Local 270 still represents these employees, who are now actively working for the Hills Brothers Coffee Company, which purchased the plant facility during the bankruptcy proceeding.



After a long legal battle, Local 270, New Orleans, LA, won payments for 75 Hills Brothers Coffee Co. employees, totaling \$250,000. On hand at distribution of the checks were (from left): International Vice President Mitchel Ledet, president and business manager of Local 270; Melvin Zardis, a Hills Brothers employee; Maurice Bloom, a retired employee; and Ed Monaghan; Local 270 business agent.



Employees once covered by the General Coffee Corporation contract and now employed by Hills Brothers, gathered in Local 270's auditorium for distribution of the long-awaited checks.

Philadelphia Teamsters Host Political Action Seminar





More than 150 stewards and spouses from Teamsters Local 830, Philadelphia, PA, recently attended a successful political action seminar sponsored by the local. Addressing the meeting (above, left) were (from left) David Sweeney, IBT Legislative director; Joe Brock, Local 830 secretary-treasurer; and Thomas Jennings, legal counsel for Local 830. Pictured (above, right) with DRIVE members at the seminar is Local 830 Business Agent Lew Rice (second from left).

Teamsters' DRIVE Tops '90 List

Of Nation's Political Action Committees

uring the first three months of 1990, the Teamsters political action committee (PAC), DRIVE, has maintained its position as the largest and most successful PAC is the United States. Because this year will be seeing a number of important labor issues debated on Capitol Hill—urgent issues such as the strikebreaker legislation currently under consideration the Teamsters PAC needs members' continued support to maintain its competitiveness with the other rapidly growing political committees in the United States.

Without the clout afforded the Teamsters Union by its political committee, the Union would not stand a fighting chance.



Teamsters Local 177, Hillside, NJ, recently supported Pat McGarry Drake (center) in a successful bid for Essex County Clerk. Also pictured are James Tansey (left), trustee, and Joe Purcell, president.

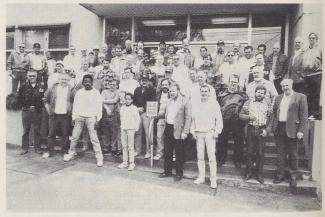
The Top 25 Political Action Committees*

1	INT'L BROTHERHOOD OF TEAMSTERS. \$6,710,533
	American Medical Association
	National Association of Realtors \$3,199,847
	National Education Association \$2,663,736
5.	United Auto Workers \$2,464,433
6.	Assoc. of Trial Lawyers of America \$2,371,659
7.	Auto Dealers & Drivers for Free PAC \$2,302,501
8.	Amer. Fed. of State County & Mun. Emp \$2,209,001
9.	National Congressional Club \$2,075,849
10.	American Telephone & Telegraph Co \$1,883,241
11.	International Assoc. of Machinists \$1,835,575
12.	National Auto. Dealers Association \$1,725,561
13.	Campaign America (Dole) \$1,655,313
14.	American Medical Association, Texas \$1,607,965
15.	National PAC\$1,404,872
16.	American Citizens PAC
17.	United Transportation Union \$1,330,738
18.	Communications Workers of America \$1,327,930
19.	National Assoc. of Life Underwriters \$1,270,950
20.	United Conservatives of America \$1,267,779
21.	United Brotherhood of Carpenters \$1,222,890
	National Association of Letter Carriers \$1,202,543
23.	Nat'l Comm. for an Effective Congress \$1,174,778
24.	National Rifle Association \$1,172,026
25 .	Int'l Brotherhood of Elec. Workers \$1,160,646

*For the first 15 months of the '89-'90 election cycle.



Jack Ancona, DRIVE representative, recently signed up Teamster members from Local 552 in Kansas City, MO.



Oscar Napoli, DRIVE representative, recently signed up Teamster members from Local 81 in Portland, OR.



Brandywine Construction Company workers from Local 326, New Castle, DE, signed up for DRIVE with the assistance of DRIVE representative Chuck Harple.



Teamster members of Local 326, New Castle, DE, who work for Greggo and Ferrara, recently signed up for DRIVE with 100% participation.



Teamsters of all ages are interested in joining DRIVE. (From left): Marie Allhouse, a member of Teamsters Local 24, Akron, 0H, who works for McKesson-Roberts, and her grandson, Adam Ward, turned out for the DRIVE meeting at the union hall.



Corrado/American workers, who are members of Local 326, New Castle, DE, are recent participants in DRIVE.



Members of Teamsters Retiree Chapter of Local 24, Akron, OH, (above and left) recently signed up for DRIVE with the assistance of DRIVE representative Jim Reese.

Canadian Freight and Cartage Division Meets in Halifax, Nova Scotia

he Canadian Conference of Teamsters National Freight and Cartage Division held a meeting the week of June 12 in Halifax, Nova Scotia.

Host Local 927 President Harvey Edwards welcomed Conference Director Louis Lacroix, Canadian National Freight Director Charles Thibault, and delegates from local unions across Canada. On behalf of his local, Edwards wished them a productive and enjoyable stay.

Chairman Thibault then opened the meeting and introduced Jim Johnston, president of the Western Canada Council of Teamsters, who has replaced retired Local 979 Secretary-Treasurer Frank Bain as assistant to the National Freight Director. Acknowledging Bain's outstanding contribution to the Division, Thibault welcomed Johnston to his new post and indicated his participation would also be a great asset.

Thibault next welcomed Conference Director Lacroix, who updated the delegates on his administration of the Conference.

Lacroix went on to discuss the possibility of forming a council of trucking unions to deal more effectively with problems facing workers in this highly competitive



(From left): Acting IBT Director of Safety and Health Vernon McDougall, Canadian Conference Freight Director and Chairman of meeting Charles Thibault, Canadian Conference Research and Legislative Director Ron Douglas, and IBT Associate General Counsel Gary Witlen.



Canadian Conference Freight Director Charles Thibault (center) with delegates from local unions across Canada.

industry. Focusing on the importance of closer ties within the labor movement, he reiterated. "Unity and cooperation with our fellow transport unions will increase our lobbying and bargaining strength this approach will best serve the interests of our members."

Following this, an in-depth discussion took place on the Purolator Courier organizing campaign and other possible objectives. Recognizing the effectiveness of coordinated organizing techniques. Thibault commended Director Lacroix, the Conference, and the local union organizing teams for their untiring efforts in this field.

The delegates then turned their attention to fine-tuning the constitutions of both the Canada Council of Teamsters and its western counterpart, with a view to meeting the Labour Relations Board's criteria for certification of new bargaining units. An object of longtime deliberation, this delicate constitutional issue continues to be addressed.

Another issue—the numerous owner-operator protests occurring at border crossings and other locations all across Canada—was the subject of spirited debate.

It was recognized that the sit-

uation is complex and multifaceted, with different regions, such as Quebec, Ontario, and British Columbia, facing different issues. Also, solutions will have to be carefully weighed, keeping in mind the interests and welfare of the company drivers who form the backbone of the Union. All agreed upon the importance of leveling the playing field to negate the disastrous consequences of deregulation and cutthroat competition.

The agenda then turned to drugtesting, another key issue facing Teamster drivers. Conference Research and Legislative Director Ron Douglas updated the delegates on the Canadian legislative scene as well as on his appearance before the Federal Transport Committee on Drug Testing.

IBT Experts Offer Insights

Elaborating further on this topic were two experts from the International Union: Gary Witlen, IBT associate general counsel, and Vernon McDougall, acting director of the IBT Safety and Health Department. Witlen detailed the legal challenges to the U.S. drug-testing regime, and McDougall reviewed all the procedural and technical

aspects of testing and the potential problem areas for Teamsters drivers. Both pinpointed safeguards that need to be taken to protect members' rights.

Thibault praised the excellent presentations, and thanked the International for enabling his delegates to gain new insight into the problem. He observed, "We're still totally opposed to drug testing in Canada, but if the legislation comes forward, we'll definitely be calling on Gary's and Vernon's expertise to ensure that our members are protected."

Also included on the agenda was a review of ongoing efforts to combat severe shortages of skilled truck drivers in the 1990s. A Labor-Government-Industry joint venture has already been established, aimed at creating a nationally accredited truck driver's training program.

Teamster participants in this venture include Ron Douglas; Clare Spink, administrator of Local 213's Joint Training School in B.C.; Ray Elliott, president of Local 141 in Hamilton, Ontario; and François Laporte, Conference Communications director in Montreal. Commenting on his local's highly acclaimed joint training school, Ed MacIntosh, principal officer of Local 213 in Vancouver, B.C., is of the opinion that "we shouldn't leave training just to government and the industry-Labor should also play its part. We Teamsters have already proved we can do it, and we can lead the way!"

To wrap up the meeting, Thibault thanked the guests and delegates for contributing to a highly productive meeting. "We have made full use of this opportunity to get together in an open and constructive manner and discuss the very important issues affecting our members and the transportation industry in the 1990s."

Tennessee Teamster Receives George Meany Award



Phillip I. Keller (right), a member of Teamsters Local 549, Blountville, TN, was recently presented with the George Meany Award, labor's highest recognition for service to youth through the program of the Boy Scouts of America. The award is given by the Tennessee AFL-CIO Labor Council to recognize union members who perform outstanding service to youth as a volunteer Scouting leader. Keller, a member of Local 549 for 18 years and currently a trustee on the local's Executive Board, has received several other awards from the Boy Scouts and Cub Scouts of America. Presenting the Meany Award was Robert J. Law, president of Local 549, who cited Keller for 20 years of volunteer leadership.

Memphis Local 1196 Wins Fight for Members' Rights



Teamsters Local 1196, Memphis, TN, lead a successful protest against the Theurer plant in Greenville, Mississippi, for gross violation of the notification provision of the 60-day plant closing law. Through the diligence of the local's leadership and legal counsel, the company agreed to pay a sum of \$53,382 to the employees. In addition, Local 1196 negotiated a new labor agreement with the company that bought the plant, thereby preserving the jobs of the employees on the seniority roster. Wages and benefits exceed those of the previous agreement. Pictured (from left) are: Frankie Barnes, steward; Nathaniel Jackson, business agent; Betty Rose, chief steward; Sidney Chism, president; and Robert Townsend and Linda Wilson, stewards.

Beware of Frauds, Flimflams, and Phonies

he promise of an unbelievable bargain is apparently too great a temptation for some people to resist. According to the New York County District Attorney's office, a television/electronic equipment swindle is currently bagging a large number of pigeons.

The game is worked by teams of con artists purporting to work for a department store. They confidentially inform targeted victims that stores have overstocked expensive video equipment and say that, as a result, the merchandise has to be sold at cut-rate prices.

In order for the operation to look legitimate, the "sale" takes place at the store loading dock. The pigeon pays a "pickup man," who hands over a bill of sale and disappears into the store, ostensibly to fetch the equipment. The customer waits outside for delivery, never to see the con man or his or her money again.

Too Good to Be True

A cardinal rule for consumers' protection is, "if any bargain sounds too good to be true, it probably is." A desire to beat the system . . . will invariably be the victim's Achilles' heel.

A swindler needn't be a fleeting figure lurking in the shadows (of our own greed, however). He or she could be offering youth and beauty in a bottle of worthless skin cream, or a retirement paradise in the remote Arizona desert.

Consumers must also be aware of merchants using dishonest advertising to lure customers into their stores, the so-called "bait and switch." Once in the store a salesperson tells the customer the product is no longer for sale and will try to sell a more expensive item.

Among the excuses you may hear are that the product can't be delivered in a reasonable length of time, prior customers have been dissatisfied with the product, or that there simply aren't any left. The advertisement which got you into the store was simply a sham. They intended to sell you a higher priced model all along. If a store tries to "bait and switch" you, leave and report it to the Better Business Bureau.

Bait and switch schemes offer consumers no choice. Don't confuse it with a salesperson trying to persuade you to purchase a better brand.

Fraud schemes and confidence games can't easily be classified and may be found anywhere. Con artists operate under the guise of home improvement contractors, or they can bill people through the mail with bogus schemes and worthless products.

th

m

01

al

a

le

g

a

il

Elderly Often Targets

The elderly are the target of many classic con games. One of the most vulnerable is the "pocketbook drop." It is usually perpetrated by a team of con artists in the following manner:

A flimflammer engages the "pigeon" in conversation. A partner comes along claiming to have "found" a wallet or pocketbook containing money but no identification. He asks if it belongs to

How to Make Consumer Complaints Work

nowing to whom you may turn helps consumers take the actions necessary to remedy problems. Many laws protect consumers, and a network of federal, state, and local consumer agencies is in existence to help.

To begin with, complaints should first be taken to the store or business providing the goods or services. If that doesn't work, contact the company. If there is still no satisfaction, contact an industry dispute program or trade association. If the problem is not resolved, get in touch with the Better Business Bureau (BBB) and local or state government. A federal agency should be notified, if it has jurisdiction. The last resort is small claims court or a private lawyer.

There are many effective local laws protecting consumers from abusive practices involving such businesses as auto repair, bait-and-switch advertising, door-to-door sales, and mail-order merchandise. Home improvement contracting laws are also usually the domain of local consumer enforcement agencies.

Some suggestions when making complaints:

- Be brief. The less time the office and/or the vendor needs to read your complaint, the faster a decision can be reached.
- Be factual. Omitting facts will delay action. Exaggerating the circumstances will cause a less objective attitude from the vendor.
- Allow two weeks or more for the office to review your complaint. You will be notified as soon as an answer is received from the vendor.
- Make sure you send only copies of the sales slips, etc., keeping the originals.

either of them. When the "pigeon" answers no, they start working on the targeted victim's imagination about the prospects of the find.

According to Family Banker magazine, each of the three agrees to put up cash equal to the amount "found." The idea is to ensure the money can be repaid in case someone does claim it.

If the "pigeon" agrees, all three go to his bank to withdraw cash and the shares are given to the "pigeon" to hold. However, the con artists switch the envelopes in a slight of hand and the victim is left holding three envelopes stuffed with newspaper. When the "pigeon" realizes this, the con artists are long gone. Awareness on the part of consumers is the only way to fend off swindlers on the street, in the mail, and in stores.

These are some of the warning signs of fraud:

- unbelievably low prices, exaggerated claims, or lavish guarantees:
- opportunity miraculously knocking (look before answering the door):
- extra assurances of the seller's honesty:
- appeals for help and pressure to "act now!"

To fight fraud, be sure you choose a licensed contractor. When making purchases, inquire about availability of parts and services, and understand the warranty offered.

Contact the Federal Trade Commission, if you have been misled by deceptive advertising. Report mail fraud violators to the postal inspector at your local post office. Notify the nearest Department of Consumer Affairs as well.

Finally, if you have been swindled or fallen victim to a con game, call the police immediately. Prompt action may be the only hope for recovering your money.

(Copyright 1990, Press Associates Interna-

Las Vegas Unions Unite in Protest



Members of three Las Vegas union locals—Teamsters Local 955, Operating Engineers Local 501, and Carpenters Local 1780—have joined forces to strike against Fitzgerald's Hotel and Casino. The strike, which has been in progress since March 16th, protests Fitzgerald's move to take away health and welfare benefits, pension provisions, and wage increases.

A Sign of the Times



Local 631, Las Vegas, Nevada, credits part of the success of its recent organizing drives to the design and purchase of two freeway billboards, as shown above. The signs are posted on Interstate 15 and Interstate 95, effectively bordering both sides of the city of Las Vegas. The two interstates are the main thoroughfares in southern Nevada.

Report XIV to All Members of the

International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

INTRODUCTION

In this Report, I will update you on: (1) the United States Second Circuit Court of Appeals decision on the charges against Harold Friedman and Anthony Hughes; (2) the recent decision of the United States Supreme Court involving two IBT appeals; (3) a dispute between the Election Officer and the IBT leadership regarding the hiring of election staff; and (4) the feedback received from the membership, via hundreds of letters, three of which are set forth verbatim, with respect to the Court-appointed officers' work.

I. The Opinion Of The United States Second Circuit Court of Appeals Regarding The Friedman And Hughes Disciplinary Decision

As I told you in my last Report, on June 1, 1990, the United States Court of Appeals for the Second Circuit affirmed United States District Judge Edelstein's decision regarding my one-year suspension of Harold Friedman and Anthony Hughes. The Court of Appeals agreed with Judge Edelstein that my handling of the Friedman and Hughes matter was proper. Given the significance of the Court of Appeals ruling, I will summarize parts of it for you.

In their appeals, both Mr. Friedman and Mr. Hughes argued that the General Executive Board's ("GEB") November 1, 1989, Resolution prevented me from hearing the disciplinary charges which had been filed against them. You may recall that the Resolution was passed without notice to me and without compliance with the terms of the Consent Order. The Resolution was passed at the request of at least one member of the GEB, IBT Vice President Theodore Cozza, who has himself been charged with conducting himself so as "to bring reproach upon" the IBT "by knowingly associating with members of La Cosa Nostra"; and whose hearing was conducted in mid-July.

The Resolution purported to interpret two portions of the IBT Constitution, and, if binding, would have effectively prevented prosecution of the charges and trial against Friedman and Hughes.

In my January 11, 1990, decision regarding the Friedman and Hughes charges, I concluded that the GEB's Resolution interpreting the IBT Constitution was unreasonable and invalid; and the Court of Appeals agreed that I acted properly in disregarding the Resolution.

On another issue, Mr. Hughes had argued that he was not bound by the Consent Order because he was not a "party" to the original lawsuit between the Government and the IBT, and had not signed the Consent Order. Mr. Hughes had also argued that the Consent Order did not bind him because it amended the IBT Constitution without following the procedures for amendment as provided for in the IBT Constitution itself.

III.

ma

reta

ord

hir

and

ado

the

liti

wil

wh

on

the

in

ju

th

The Court of Appeals rejected each of these three arguments, and concluded that Mr. Hughes "clearly could be bound by the terms of the disciplinary mechanism in place by the Consent Decree."

In summary, the Court of Appeals made it clear that it would not tolerate obstruction by your leadership of the work of the Court-appointed officers. Of equal importance is the fact that it is now firmly established that the disciplinary provisions of the Consent Order are valid and binding upon every officer and rank and file member of this Union.

II. The June 11, 1990, Ruling Of The United States Supreme Court

On October 18, 1989, Judge Edelstein decided that the Consent Order grants the Election Officer, Michael H. Holland, the power to closely supervise: (1) every Local's secret ballot elections of delegates to the 1991 International Convention; (2) the nomination of International Officer candidates at the Convention; and (3) the subsequent Union-wide secret ballot election of International Officers. A copy of Judge Edelstein's October 18, 1989, decision was published in the December 1989 issue of *The International Teamster*. Your leadership appealed that decision to the Second Circuit Court of Appeals and on December 13, 1989, that Court dismissed the appeal. In other words, it refused to hear argument on the question.

In April of this year, your leadership then asked the United States Supreme Court to reverse the Court of Appeals; and on June 11, 1990, the Supreme Court also refused to consider the matter. This means that your leadership has now exhausted all of its legal challenges to the authority of the Election Officer to supervise the election process.

Similarly, your leadership also asked the United States Supreme Court to review whether the Second Circuit Court of Appeals was correct in refusing to consider the IBT's appeal of Judge Edelstein's November 16, 1989, decision. That decision, which was also published in full in the December 1989 issue of *The International Teamster*, provided that the IBT had to publish my Reports to you on a monthly basis. On June 11, 1989, the Supreme Court also refused to review this issue. Thus, your leadership has now exhausted all of their available legal challenges to my right to communicate with you each month.

30

III. The Dispute Regarding The Election Officer's Hiring Of Support Personnel

Mr. Holland, the Election Officer, obviously will need many people to carry out his role in supervising the election process. To this end, he has already arranged to retain Regional Coordinators. These individuals will "coordinate" the supervision of the election process throughout the United States and Canada, When Mr. Holland notified the IBT's General Counsel, Mr. Grady, of these hirings, Mr. Grady, in his June 9, 1990, letter, objected and said the IBT would not pay for the coordinators. In addition, Mr. Grady made reference to the "pending litigation in the appellate courts" regarding the scope of the Election Officer's authority. Of course, the "pending litigation" objection is no longer available to Mr. Grady, in view of the Supreme Court's June 11, 1990, ruling. However, since the IBT's refusal to pay for the Election Officer's necessary staffing has continued, I have been forced to file an Application with Judge Edelstein asking him to approve the Election Officer's hiring of the Regional Coordinators as well as additional support personnel. I will, of course, inform you of Judge Edelstein's decision when it is issued. Meantime, despite these efforts to obstruct his work, Mr. Holland is pressing forward in his efforts to coordinate and supervise the election process. I once again urge you to learn as much as you can about the elections and to participate in this historic process.

IV. Rank and File Communications

in

it

nd

ie

H. 's al

s.

n

r

0

In each of my monthly Reports, I always conclude by inviting you to write to either the Investigations Officer, the Election Officer, Judge Edelstein or me. Indeed, many of you have accepted my invitation and to date, I have received hundreds of letters.

In many of those letters, you tell me about problems in your Local. As a matter of course, those letters are forwarded to the Investigations Officer for follow-up. If a letter complains of a purely local union problem, such as a collective bargaining dispute, I usually respond by indicating, as I must, that the matter is beyond my jurisdiction. As a precautionary measure, I still forward these letters to the Investigations Officer so that he can make an independent decision on whether to pursue the situation. Given the limitations of the Consent Order, unless the problem in the Local is affected by some type of corruption, the Investigations Officer cannot redress the complaint.

Unfortunately, the same holds true with problems involving pensions and benefit plans. I receive many letters outlining your pension and benefit plan problems. For example, many of you feel your entitlements are too small, given the number of years you have been employed and have been an IBT member. The Consent Order specifically provides that the Court-appointed officers have no juris-

diction over such problems. Again, as a precautionary measure, I forward these letters to the Investigations Officer so that he may, if he chooses, investigate further to determine if the problem with the pension or benefit plan is the result of some wrongdoing or corruption. In such cases, the Investigation Officer would have the authority to bring disciplinary charges.

Similarly, letters which set forth challenges to purely local union elections are not within our jurisdiction, unless they involve the selection of delegates to the 1991 International Convention or the selection of International Officers. Once again, as a precaution, I send these letters to the Investigations Officer and the Election Officer. As with the pension and benefit plan letters, the Investigations Officer may, if he chooses, investigate further to determine if wrongdoing or corruption is at the root of the problem. The Election Officer carefully reviews the letters in order to keep track of questions concerning local union elections on an historical basis.

Lastly, while I have received some letters critical of the Court-appointed officers, the overwhelming majority have been positive and encouraging. I have printed three of these letters below because it is important that the rank and file know that the Court-appointed officers' efforts are generally looked upon as something positive for the IBT. For obvious reasons, I have deleted the names of the authors of these letters and any references in the letters which may reveal their identities.

Gentlemen:

I have been reading with interest the reports to the Teamsters members in our magazine, especially the last December 1989 one.

It is an encouragement to me to think that finally after being a Teamster Union member for over twenty years that we are going to get rid of the hideous influence of organized crime from our union. It will be then and only then that I can personally say with dignity that I'm proud to be a Teamster.

I want this letter to be an encouragement to you, your hard work, your concern, and your dedication to see this job done correctly and completely can be no small undertaking. There are many people besides myself who would like to look you in the eye, shake your hand, pat you on the back and say truthfully, honestly and sincerely that we really appreciate your concern and effort in combating our IBT.

It is very naive of anyone to believe that IBT is going to clean up its own act. Without meaningful reforms in our electoral process so that the ground level forces (rank and file) can become involved, not only by voting all our officers into office but free access for all members to run for office, only then

Report XIV to All Members (continued)

can we hope to maintain a union run by its members. In short, democracy, without the organized crime factor.

In closing let me say I appreciate your fighting spirit and I agree with you that the IBT hopes there will be no significant reforms. I wonder why at this time the IBT wants to cease monthly publication of our magazine to quarterly. I wish this move to save money could have been done earlier so that maybe many Teamsters could enjoy early retirement from these funds.

Again let me say 'thank you' from my heart,

Sincerely

Dear Sir:

I don't know what kind of feedback you are getting from other members of the Teamster's Union, but as for myself Sir, I offer you all the encouragement I can. The Teamster's Union has long been in need of the sort of reform you and your office represent and it's high time that the labor millionaires who have been abusing the trust of working people for so long, are at least held to the accountability of democratic elections.

I think that you are fighting the good fight Mr. Lacey. Thank you for all your efforts on the behalf of myself and fellow Teamsters.

Dear Gentlemen:

Please excuse my "blanket letter" to you, but what I have to say I wish for each of you to "hear". I happen to be an IBT member in the [-Division. I am by no means proud of it, and belong only because my former union lost a representational election during a merger of two [who were represented by two separate unions. Don't get me wrong, I am very much a unionist, but my experience has always been with a union that performed in a manner that it should. It was extremely democratic, and truly represented the wishes of its members. There was NEVER a second thought or concern as to how money was being spent, and who was bribing who, etc. Needless to say, I am ashamed that there exists such a group as the IBT who continues to maintain that they are "clean" and represent the wishes of their membership, when they are not, and do not.

My own experience over the past few years having worked within my own local and division has proven that you gentlemen are on the right track. The corruption, not only by organized crime but in many other smaller ways, extends extensively down to the local level throughout this union. Unfortunately, trying to prove some of what has occurred would be

extremely difficult and probably impossible. Those who are responsible are very good at covering their tracks . . . I guess they have had good training!!

Please know that as a unionist, I personally do have some concerns about any interference in union activities by the Federal government. Under normal circumstances where a truly democratic system was in place and operating without the influence of organized crime, I too would object to interference by the government. However, this is not the case with the IBT, therefore I am continually pleased to hear from you on what actions you are taking to "clean up" this IBT mess . . . I only hope that you extend your "hunt" all the way to the local level as well. I have read of the many latest "disagreements" between you and the IBT. Please know that this IBT member must side with you. Though I ask that you use prudence in expenditures, I also want you to know that NO price is to large to insure that this union is returned to the control of the rank and file membership.

Please know that there is a great deal of support for your efforts amongst the rank and file. We all look forward to the day when we can say proudly, I'm an IBT member. For now, thanks so much to each of you for your continued vigilance on behalf of the membership. If I may be of any assistance in your work, please feel free to contact me.

Yours in shared concern,

CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administator LeBoeuf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue, N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

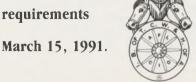
1990-91 SCHOLARSHIPS

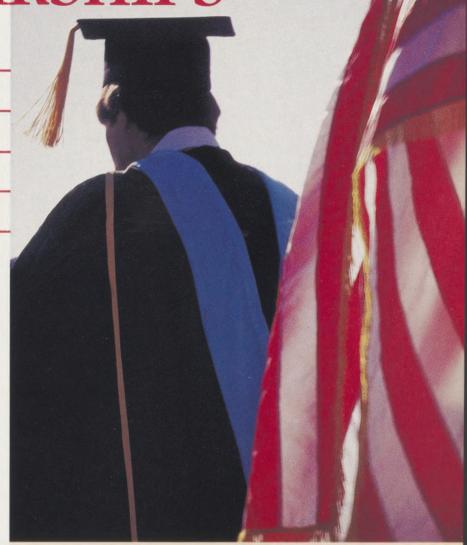
For high school seniors who are sons and daughters of Teamster

members.

The competition is open to sons and daughters of active, retired, disabled, deceased or recently laidoff Teamster members. Student must be a high school senior, and be in the top 15% of his/her class. Student must submit high SAT or ACT test scores. Student must show financial need. Dependents of union officers or employees may not apply. The deadline for the completed application is December 15, 1990 and for any other additional

requirements





Mail in form below for your application now!

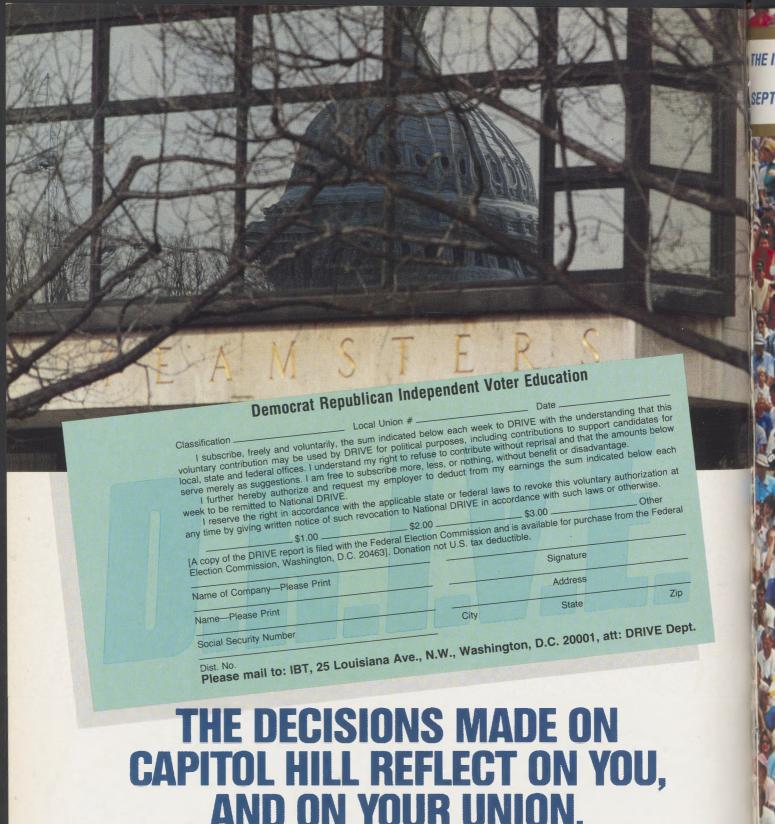
International Brotherhood Of Teamsters Scholarship Fund

I have read the eligibility requirements above and would like to apply for a scholarship. Please send me an application. After receiving my application, I will complete it and mail it to my Teamster parent's local union.

ame:	
ddress:	
ity/State/Zip:	

25 Louisiana Avenue, N.W., Washington, D.C. 20001

International Brotherhood Of Teamsters



AND ON YOUR UNION.

NOW MORE THAN EVER, SUPPORT IBT D.R.I.V.E.

Now is the time to support the friends of labor who speak out for working men and women everywhere. Show your support by increasing your contributions to the Teamsters' D.R.I.V.E. (Democrat, Republican, Independent Voter Education).

Through your contributions, the Teamsters can continue to have that much needed voice on Capitol Hill.

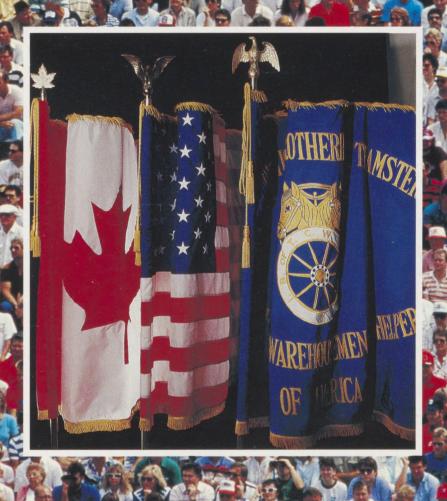
Invest in your future, return your D.R.I.V.E. coupon today.

THE INTERNATIONAL
SEPTEMBER 1990

TEAMSTER

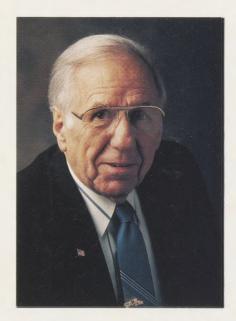






THE PRESIDENT'S

MESSAGE



Recent developments in the freight industry bring into focus the value of a union contract and the role of the government in protecting both the interests of the general public and the safety of the workers in transportation industries.

Amid reports that an administrative law judge's ruling will require a California state commission to consider the effects of driver wage rates on safety, Teamster negotiators were bargaining for the legitimate economic, job security, and safety needs of the 140,000 Teamster members working for United Parcel Service.

The California Trucking Association (CTA) recently advanced a motion, adopted by the judge, requiring the state's Public Utilities Commission to consider evidence, gathered from California Highway Patrol data, that low-paid truck drivers cause twice as many accidents as those paid above average.

Earlier this year, the Commission established minimum rates that trucking companies could charge their customers. The rates are based on a formula that would

pay truck drivers the federal minimum wage of \$4.25 per hour—less than half the prevailing wage rate for the state's drivers. In a move backed by the Teamsters Union, CTA asked the state Commission to shed its deregulatory philosophy and revise its minimum rates to reflect the impact of low wages on safety.

Even though a growing number of policymakers are beginning to focus on the need to review the impact of deregulation on trucking safety, some in the industry are pushing for the use of larger truck

configurations.

The Citizens for Reliable and Safe Highways (CRASH), a publicinterest group based in San Francisco, CA, recently praised the International Brotherhood of Teamsters for our opposition to any proposal that would allow longer and heavier trucks on the nation's highways. The organization's executive director commented, "Nobody knows better than the people who drive trucks what is safe. There's a good reason why the Teamsters oppose triple trailer and twin-48 trucks: they value the lives of their members and other motorists! CRASH salutes the Teamsters for their clear commitment to safety first."

While we readily accept the praise of the citizen's coalition, we remain mindful of our continuing responsibility to promote the health and safety interests of our membership and of the traveling public. We will continue to act on that responsibility both in collective bargaining and in public forums.

Because the drivers do know best, what is safe, Teamster labor agreements with freight industry employers, including UPS, guarantee our members' right to refuse to operate unsafe equipment. Tougher federal laws should reaffirm and extend rights and protections similar to those found in Teamster contracts to all workers employed in transportation industries.

Membership voting on the round of contract talks concluded recently with UPS was clouded by an unprecedented series of meetings that the company's managers held with their employees across the country in a heavy-handed effort to persuade the workers to vote for UPS's "final" offer.

Gener

Board WILLI

WELD

First V 265 W New York

JOSE

Second 1250 E

EDW

Third ' 29260 Mt. Le

ARNI

Fourth 553 Jo

WAL

Fifth V 25 Los Washi

JACK Sixth 450 C

DON

Seven 50 Ba Birmi MICI Eight 1616 Los A

Ninth 625 S Pittsb

DAN

Tenth 300 S Chica

FRA

Eleve 544 M Bosto

R.V.

Thirt 2207 New

GEO Four 1625 Wyar JAC Fifte 8801

> BE 185 San RO 650 Bos HA 320

While I do not feel that the company's offer adequately addresses the needs of the membership, I remain committed to advancing the best interests of our members within the constraints of the new agreement. Negotiations conducted over many years with the company have established a sturdy foundation of wages, benefits, and work rules that will continue to serve their interests well.

In conclusion, I must once again apologize to the members of the Teamsters Union for *The International Teamster* magazine taking on the tone of a law review journal. Nearly two-thirds of this issue is filled with judicial rulings and reports of the Independent Administrator, which the courts have ruled we are forced to print.

I will always maintain that this requirement is a violation of the Union's right of free speech. I am deeply disappointed that, because of a lack of space, you are denied the opportunity to be informed of important collective bargaining, organizing, political, and health and safety news affecting your work, your family, and your Union.

Fraternally,

William J. McCarthy
General President

TEANSTER DEDICATED TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



tecl in

kers dus-

und

re-

by

eet.

gers

ross

l ef-

to.

the

ad-

per-

adour

S of

ons

vith

da

en-

on-

ell.

ain

the

er-

iew

his

ngs

ent

irts

nt.

his

the

use ied

l of

Ith

rk,

General Executive Board

WILLIAM J. McCARTHY
General President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
25 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President

Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009
EDWARD LAWSON
Third Vice President
29260 Taylor Rd.
Mt. Lehman, B.C., Canada V0X IV0
ARNIE WEINMEISTER
Fourth Vice President
553 John Street, Room 28
Seattle, Wash. 98109

Seattle, Wash. 98109
WALTER SHEA
Fifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive

Carson, California 90746
DON L. WEST
Seventh Vice President
50 Bagby Drive
Birmingham, Alabarna 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwis St., Suite 1903
Pittsburgh, Pa. 15222

DANIEL C. LICUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
PRANCIS W. HACKETT
Eleventh Vice President

Eleventh Vice President
544 Main Street
545 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wandotte, Michigan 48192

Fifteenth Vice President 8801 E. 63rd Street—Suite 208 Kansas City. Missouri 64113

ITUSEES
BEN LEAL
185 BETY St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Baccon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

JACK B. YAGER

September 1990

Volume 87, No. 9

- 2 General Executive Board Meets
 Teamster leaders hold third quarterly session
- 4 Replacement Worker Legislation Is IBT Priority
 Citizen support for legislation continues
 to grow
- 5 UPS Members Ratify Contract New three-year agreement wins approval
- 6 Overnite Campaign Gains Momentum Strategy shifts to personal contacts
- 8 Teamsters Praised for Highway Safety Private citizens group commends Union's emphasis on safety
- 9 Québec Teamsters Expand Facilities IBT officials attend dedication
- 11 Turbulent Times at Pan Am
 Workers walk off the job to protest company
 actions
- 13 Report XV to Teamster Members
 A message from the Independent Administrator
- 19 Orders of the Court
 Rulings of Judge Edelstein



2



5



9

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

20001
© 1990 International Brotherhood of Teamsters. Rights reserved.
Reproduction in whole or part without written permission is prohibited.
International Brotherhood of Teamsters, 25 Louisiana Avenue. N.W.,
Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamsters*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



GEB Holds 3rd Quarterly Session: "2 Million in 2000" Goal Set

n the third quarterly meeting of the Teamsters General Executive Board, the status of legislation pertaining to replacement workers and to the national health care crisis topped the discussions. During the Board's agenda, three important resolutions were unanimously adopted by the GEB members as part of the week-long deliberations.

"2 Million in 2000"

The Board agreed to a key resolution establishing a strategic planning committee to assure the continued growth of the Teamsters Union by setting a desirable goal to increase membership to two million by the year 2000.

The "2 million in 2000" theme will be part of the 1991 Teamsters International Convention. The resolution directs the planning committee to conduct any research and analysis necessary for preparation of a report and recommendations for consideration by the delegates to the 1991 Convention. Further,



(From left): International Trustee Ben Leal, General President McCarthy, and International Vice President Mitchel Ledet.



The IBT General Executive Board met in its third quarterly session of the year.

the committee will look at future goals including directions, planning, and strategies to meet the "2 million in 2000" goal.

Other Resolutions

In another resolution, the Board concurred that the General President appoint a committee to review the status, functions, and government-reporting requirements of all IBT trade divisions and conferences and to report their findings to the Board. The purpose of this resolution is to bring about some uniformity in financial reporting requirements and at the same time curtail costs of conducting separate, independent meetings of the various trade divisions and conferences. Generally seen as a housekeeping matter, the Board action authorizes the General President and the committee to look into more efficient means of handling trade division and conference committees.

Finally, a third resolution provides that the International shall pay costs of litigation for the three IBT designees serving on the PIE (Pacific Intermountain Express) Nationwide Board of Directors as provided through a negotiated col-

lective bargaining provision with PIE Nationwide. Currently, the PIE company policy has certain exclusions, which preclude full liability coverage for its Board of Directors. This action by the IBT Board corrects the situation by providing full coverage for the IBT designees.

ber

ple

ser

Spe

and

ria

ree

pla

ity

ma

19

re

Reports to the Board

General President William J. McCarthy updated the Board on the current legislative status of the replacement worker bill. He also brought the Board up-to-date on the UPS contract, on the Overnite campaign, and on the IBT scholarship program.



International Vice President and Western Conference Director Arnie Weinmeister (left) and International Vice President Don West.



General President William J. McCarthy (left) reviews report with General Secretary-Treasurer Weldon L. Mathis.

McCarthy reported that, in the Overnite campaign, the IBT has received hundreds of union authorization cards at Teamster headquarters, from all classifications of Overnite workers and from all parts of the country. In addition, thousands of Teamster members across the United States have pledged to support the Union by serving on volunteer committees, speaking to Overnite employees, and distributing campaign materials. General President McCarthy reemphasized that the striker replacement bill is a Teamster priority, and that the IBT intends to make it a dominant issue in the 1990 congressional elections.

lity

ors.

or-

General Secretary-Treasurer Weldon L. Mathis, in his third quarterly report of 1990, discussed the financial state of affairs of the Union and compared membership figures for the second quarter of 1990 with the comparable quarter in 1989, noting that membership had increased slightly.

Other Action

In other action, the Board also heared a report from International Vice President Walter Shea concerning his activities as the secretary-treasurer of the AFL-CIO's Transportation Trades Committee. The Board was also informed that

the AFL-CIO will use Labor Day television to draw attention to the nation's health care crisis and to highlight the efforts of labor, business, and government to find a solution to the problem. The Labor Institute of Public Affairs (LIPA) will present the half-hour health care special on Labor Day (Monday, September 3) at 10:30 a.m. (EDT), on the *Financial Network News*. The program will be repeated on *FNN* at 7:30 a.m. (EDT) Saturday, September 8, and Sunday, September 9.

In other reports, the Board heard from IBT General Counsel James T. Grady, IBT Director of Legislation and DRIVE Director David Sweeney, and IBT Communications Director Duke Zeller.



Canadian Conference Director Louis Lacroix (standing) and International Trustee Robert DeRusha.

Voting Reminder For Congressional Races

destiny of America. It is the hand that casts the ballot," said the 33rd President of the United States, Harry S. Truman. President Truman's words hold as true this election year as ever before. A lot is at stake for the Teamsters Union and all Teamster members in the upcoming November 6th congressional elections.

For those of you who live in states which have not yet held their primaries, please be sure to vote both in the primaries and on November 6th. If, for whatever reasons, you have failed to register to vote, be sure to do so as soon as possible.

Dates for Primaries

The following are the states with primaries to be held in September and October: September 4—Florida and Nevada; September 8—Delaware; September 11—Arizona, Connecticut, District of Columbia, Maryland, Minnesota, New Hampshire, New York, Rhode Island, Utah, Vermont, and Wisconsin; September 18—Massachusetts and Washington; and September 22—Hawaii. Louisiana's primary is scheduled for October 6.

Citizen Support Snowballs

For Replacement Worker Legislation

arlier this year Teamsters General President William J. McCarthy set the issue of replacement worker legislation as the foremost legislative priority for the entire International Union. His goal is to tilt the balance of power in labor relations back in favor of the workers and away from manunfair agement's advantage. McCarthy insists that balance be restored to the collective bargaining process and that the strike be restored to its correct status as a legitimate economic weapon for workers.

The IBT's Department of Legislation and DRIVE Department have championed the cause of replacement worker legislation on every possible occasion, and almost all Teamster affiliates have dedicated their political activism to this cause.

According to the Teamsters General President, "The labor movement must fight back, using every weapon we have to see to it that anti-scab legislation is passed by the United States Congress. Two pieces of legislation currently pending before Congress (H.R. 3936 and S. 2112) would restore the right to strike, by prohibiting employers from hiring permanent replacements during a labor dispute and from discriminating against striking workers who return to their jobs once the dispute is over. We are calling for an all-out political offensive by our brothers and sisters to get this legislation passed—and passed quickly."

Public Opinion Polls Offer Proof Positive

Teamsters and working people throughout the United States are rallying behind the Teamster leader in support of the Union's legislative priority. Even typically apathetic citizens are recognizing that the right to strike and not be replaced by scabs is a fundamental workers' right in a democracy.

Recent opinion polls have offered proof of the growing support from the public in general for this pro-worker legislation. In separate opinion polls, Penn & Schoen Associates, Inc., the Roper Organization, Inc., and Yankelovich Clancy Schulman, polling for *Time Magazine/CNN*, tested public support for unions generally, and, in two of the polls, asked specific questions regarding the permanent replacement of strikers.

Nearly 90 percent of those interviewed felt the companies should not be permitted to fire striking employees. More than 85 percent of all strikes in America today are fought over these issues.

At least 89 percent of the critical "swing voters"—self-identified independent and moderates—opposed the firing of strikers when the issue is protecting health care coverage or fighting for a safe workplace. Even the least sympathetic groups—Republicans, those with incomes over \$50,000, and those who considered themselves conservatives—neared or exceeded a 60 percent level of support for the right of all strikers to return to their jobs.

These findings are consistent with earlier polls taken by Roper and Yankelovich Clancy Schulman for *Time*/*CNN*.

In mid-March, 500 adults were interviewed for a *Time Magazinel CNN* poll. Those questioned were asked if they would accept a job as a permanent replacement for a striking worker. By a margin of more than two-to-one, they said that taking such a job would be unacceptable. Fifty-nine percent of all adults said they would not accept such a job, compared to only 28 percent who said they would.

Public attitudes toward striking workers have shown an even more dramatic improvement. In 1977, only 28 percent of those interviewed said they sided with the workers when they first heard about a strike, compared to 32 percent who instinctively sided with management. Today, those numbers have more than reversed, with 33 percent of the respondents siding with the workers, compared to 25 percent who believe that management is in the right.

Unit

goti

of b

an a

con

road

and

of the

vote

COV

part

July

Neg

om

Car

the

me

me

fina

der

fou

the

exa

pro

the

inc

the

rec

cer

Au

cei

50

ju

Su

0

Public Attitudes Influence Politicos

Reflecting the growing public support for a ban on the hiring of scabs, both the New York City and Boston, Massachusetts, city councils have passed ordinances guaranteeing the right to strike-in effect opposing the U.S. Supreme Court's 1938 decision upholding the concept of "permanent replacements." Boston's city council, responding to public and Teamster pressure, in a dramatic rebuke to Boston Mayor Raymond Flynn, overrode by a vote of 12–0, the mayor's veto of an ordinance prohibiting the hiring of strikebreakers. The ordinance provides for employer penalties of \$200 per day, per worker, for those hired by any employer to break a strike.

Commending the Boston City Council's action, Teamsters General President McCarthy said, "This new ordinance is a major step in our campaign to see strikebreaker legislation enacted nationally. Teamsters in the Boston area can be very proud that Boston has become only the second city in the nation, in addition to New York, to put into effect a law that will help stop employers from hiring scabs and strikebreakers. I only hope that Congress will get the message and follow suit."

Δ

UPS Members Ratify New Agreement

Teamsters General President William J. McCarthy announced that the Teamsters United Parcel Service National Negotiating Committee, as a result of ballot tabulations, had reached an agreement for a new three-year contract with the company, retroactive to August 1, 1990.

Of the 118,554 ballots tabulated and counted, 65,463 voted in favor of the new proposal, while 53,091 voted for rejection. The contract, covering some 140,000 full- and part-time UPS employees, expires

July 31, 1993.

out

ent

ın-

of

ar-

-in

ne

ng

·e-

n-

nd

cic

nd

-0,

es

er

by

n-

er

an

as

1e

ill

1g

"The membership has spoken and in spite of the fact that the Negotiating Committee had recommended rejection," said McCarthy. "I have always said that the committee can only recommend, but we all work for the membership, and abide by their final word. That is what makes this democratic process so great."

The Teamsters' UPS members found a number of provisions in the contract to their liking. For example, general wage increases provide for seniority employees on the payroll as of July 31, 1990, including full-time employees on the wage progression schedule, to receive as of August 1, 1990, a 50-cent per-hour wage increase; as of August 1, 1991, an additional 50 cents per-hour wage increase; and as of August 1, 1992, an additional 50 cents per-hour increase.

Under the health and welfare and pension provisions, the company will increase contributions by the following amounts:

• August 1, 1990 \$14 per week

 August 1, 1991 Additional \$14 per week

 August 1, 1992 Additional \$14 per week

Under the new contract, the amount of the cost-of-living adjustment (COLA) shall be determined on the basis of the "Consumer Price Index for Urban Wage Earners and Clerical Workers," as



An independent supervising monitor tabulated the results of a new three-year national United Parcel Service (UPS) agreement.

published by the U.S. Bureau of Labor Statistics. This COLA is a pure cost-of-living adjustment that will afford up to the maximum of an additional 20 cents per hour in 1991 and 1992. Within one month of the ratification of the contract, all seniority employees will receive a one-time cash signing bonus of \$1,000 for full-timers and \$500 for part-timers.

The new contract also provides that employees shall not be charged for loss or damage unless clear proof of gross negligence is shown. The term "gross negligence" is intended to mean independent acts of an employee who knowingly violates established rules or policies, that when adhered to, clearly prevent loss, damage or theft. This is not to be construed as permitting charges for loss or damage to equipment or for any damage to merchandise as a result of a vehicular accident.

No deduction or disciplinary action of any kind will be made until the grievance machinery has been invoked and concluded.

Additionally, employees handling money shall account for and remit the same to the employer at the completion of each day's work. If the employer fails to verify an employee's cash turn-in, when re-

quested, no deduction or disciplinary action shall be taken. Only in cases of proven bona fide error (in addition or subtraction) of the cash turn-in, will the employee be responsible for making restitution for such shortage.

There is also favorable language in the new national master contract for improved drug-testing parameters and procedures.

The Management-Employee Relations article in the contract was also strengthened by limiting the amount of on-the-job supervision.

All of these highlighted provisions in the new contract met the approval of a majority of the Teamster UPS membership. Other provisions involving air operations, part-timers' wages, vacations, and compensation claims, for example, were also approved by the membership in their vote.

The balloting results notwithstanding, General President Mc-Carthy said that he was "disappointed that the company went to unprecedented lengths to persuade the workers to vote for their offer I believe that many of the company's employees were frightened by management's ability to use permanent replacement workers, or scabs, in the possible event of a strike."

McCarthy Meets with Overnite Organizers: Strategy Shifts to Personal Contact

paign," General President William J. Mc-Carthy encouraged Overnite organizers at a meeting recently called by Campaign Coordinator Sam Stintsman to discuss organizing developments and to coordinate strategy.

Emphasizing the importance of marshaling the resources of the entire Teamsters Union behind the Overnite organizing effort, the General President asked the organizers to give their "total commitment" to winning the campaign.

"I'm going to put it on the line," McCarthy said in the point-blank style that has characterized his career as a Teamster leader. "If we are going to be successful, you've got to give it all you've got."

Stintsman agreed with the General President's assessment. "What happens in this campaign depends solely on you," he told the Overnite organizers.

Praising the group for their "remarkable" efforts in building a mailing list complete with the names and addresses of Overnite's



"We will win this campaign," General President William J. McCarthy told Teamster organizers from across the nation, who met recently to evaluate the Overnite organizing campaign and to develop new strategies to meet the enthusiastic response of the Overnite workers to the Teamster organizing drive.

employees in every terminal across the United States, Stintsman advised the organizers that the Union is now in a position to make house calls and to mail literature directly to the workers' homes.

"We are at a point where we can move to a new phase of this campaign," he said. "House calls are a must." Data recently released by the AFL-CIO's Organizing Department shows that visiting workers' homes can be a critical element in persuading them to vote for a union.

"We Need Everybody In Order to Win"

The Overnite campaign coordinators from each of the four Teamster area conferences in the United States offered updates on developments in their areas. "This is a campaign that I knew would be difficult from the beginning," Central Conference Coordinator Jerry Schmidt told the organizers. "But the longer we're in it, the more I see that we can win.

"We can't do it without the local unions," he stressed. "We need everybody in this International Union." Joe Morgan, Jr., campaign coordinator for the Southern Conference of Teamsters, said that he is "enthusiastic about this organizing campaign." The key reason for his optimism: the wage disparity that pays Overnite workers about \$14,000 per year less than what Teamster members earn under the National Master Freight Agreement. coor

ing

Ove

the

sho

org

fice

wha

get

gan

bec

Ble

of

Archie Murietta, speaking on behalf of Western Conference Coordinator George Rohrer, observed that the campaign is looking "more promising daily." He said that he is encouraged by the opportunity for Teamster representatives to visit Overnite workers at their homes.

Fleming Campbell, campaign coordinator for the Eastern Conference, advised the organizers that using Teamster retirees, members, and stewards to establish personal contact with Overnite workers is proving very effective. Noting that "helping the Overnite employee win a union is a must," Campbell told the organizers, "we have to double our efforts and get the job done. We've got to keep pushing ahead," he concluded.

IBT General Organizer Lou Richard, who is assisting Stintsman in



Campaign Coordinator Sam Stintsman stressed that the Union is about to move into a new phase of the campaign where organizers will concentrate on personal contact with Overnite workers.

wo

coordinating the campaign, reemphasized the value of establishing personal relationships with the Overnite workers. "Face-to-face organizing is the only way to get the job done," he said.

Richard and Stintsman plan to visit every Teamster area conference in the U.S. to conduct workshops on how to make house calls to Overnite workers. Inviting the organizers to stay in constant contact with the IBT's organizing office, Richard promised the organizers that "we're going to do whatever it takes to assist you to get the job done."

Stintsman encouraged the organizers to suggest ideas for literature to effectively demonstrate to Overnite's workers the value of becoming Teamster members.

on-

ga-

on

ar-

out

nat

he

ob

ng

h-

in

ER

Overnite's Pension Blown "Out of the Water"

Bruce Trojak, a representative of the Teamsters' Central States



Teamster retirees across the nation are helping the Union to organize Overnite workers. Shown above, L.F. Rudisill, vice president of Local 71's retiree chapter in Charlotte, North Carolina, tells an Overnite driver about the benefits of being union.

Southeast and Southwest Areas Pension Fund (CSSPF), told the organizers that the Union's pension plans are so superior to the company plan that they "blow Overnite out of the water."

Comparing the pension benefits that Overnite workers would get if they voted to join the Teamsters Union versus what they are getting with Overnite, Trojak pointed out that a worker earning an average of \$32,000 per year over at least a five-year period with the company—an amount very few Overnite workers earn-would receive a monthly pension totaling \$46 for every year of service up to a maximum of 25 years. As a member of the Teamsters Union covered by the top program of the CSSPF, for instance, Overnite workers would begin earning \$76 per month for each year of future service, regardless of salary.

Teamster Plans "Far Superior" to Overnite's

This translates to slightly more than a 65 percent increase in the pension benefits Overnite employees would earn for their future years of service. And, unlike the Overnite plan, CSSPF does not place any maximum on the years of service that will go into figuring an employee's pension under the \$76 formula.

While benefit levels vary under different Teamster funds, Trojak said that in his 20 plus years with CSSPF, he has had the opportunity to review all of the major Teamster plans and that every one of them is "far superior" to Overnite's.

Those Close to Retirement Would Benefit from Change

Teamster organizers also learned that joining the Union will be



General Organizer Lou Richard plans to visit every Teamster area conference in the U.S. to train organizers on how to make house calls to Overnite workers.

highly beneficial even to those Overnite workers who may only be a few years away from retirement because, like CSSPF, many Teamsters funds are structured to give these employees vesting and benefit credits for their prior years of service with Overnite.

As a result, in most cases, those workers who are already vested in Overnite's plan would receive two pensions when they retire: one for their years in the Overnite plan, and another based on a formula worked out with their Teamster fund. The Teamster pension, in most of these cases, would be greater than the Overnite payment.

Stintsman closed the strategy session by encouraging the organizers to utilize the vast number of Teamster retirees who are willing to assist the Union in the campaign. He encourages all retirees and active members who want to help to contact their local unions.

"We've got to get out there and do some old-time, hard-line organizing. These Overnite workers told us they want and need a union. Now, let's get the job done," he concluded.

Teamsters' Highway Safety Goals Praised



Joint Council 7, San Francisco, CA, President Chuck Mack (at podium) expressed Teamsters' strong opposition to expanding the use of triple or double trailer trucks at a recent House Public Works and Transportation Subcommittee hearing in San Jose.

nown for representing the safest drivers on the road, the Teamsters Union recently won praise for its commitment to safe roadways for all motorists.

Speaking in July before a Congressional subcommittee meeting on Surface Transportation, Chuck Mack, president of Joint Council 7, San Francisco, California, addressed the safe driving goals of Teamsters nationwide. Mack noted, in particular, the IBT's opposition to expanding the use of triple or double trailer trucks "or any other scheme which manipulates truck size and weight." He continued, "Congress should not permit these larger vehicles at a time when neither the Department of Transportation is yet ready to mandate, nor the carriers are ready to accept, anti-lock brakes. Above all, brake problems are the leading cause of out-of-service orders at roadside inspections."

The July field hearing of the U.S. House of Representatives took place in San Jose, CA, in anticipation of next year's planned reauthorization of the Federal Highway Administration (FHWA) program. Expiring September 30, 1991, the Federal Highway Administration program oversees:

 highway structural safety (shoulders, guardrails, pavement)

 highway operational safety (traffic signs, lighting)

safety standards for commercial vehicles and passenger automobiles (seat belts, air bags)

One of the Teamsters' basic concerns is opposition to any longer combination vehicles on the highways. Triple trailers, for example, are 105 feet long—longer than most family homes—making them very difficult for motorists to pass. Another concern is how to increase shipper responsibility for unsafe truck operating practices. Overloading, faulty brakes, and poor general maintenance are the main culprits of dangerous driving that Teamsters believe the shipper could take responsibility to prevent.

Private Citizens Group Hails Teamsters

Citizens for Reliable and Safe Highways (CRASH), was very vocal in its support of the Teamsters' concerns after the July meeting. Echoing Mack's testimony before the Congressional subcommittee, CRASH Board member Joan Claybrook said, "the trucking industry cannot operate safely at current size and weight limitations, and permitting these mammoth rigs nationwide is asking for more carnage and greater gridlock."

Anthony Garrett, CRASH executive director, noted, "Nobody knows better than the people who drive trucks, what is safe. There's a good reason why the Teamsters oppose triple trailer and twin-48 trucks: they value the lives of their members and other motorists. CRASH salutes the Teamsters for their clear commitment to safety first."

CRASH is a nationwide grassroots organization working to reduce the number of truck accidents and resulting deaths and injuries, and to ease highway grid-lock and congestion. Committed to the safety of truckers, and all motor vehicles, CRASH's safety goals are to:

 Stop any proposal to increase the size and weight of trucks on the nation's highways. Te

ar

fre

th

br

gr

M

se

ci

in

ita

Te

te

C

m

de

of

ci

19

di

al

 Reduce the number of fatigue-related truck crashes by requiring on-board recording devices to record speed and distance violations accurately.

 Remove abusers of alcohol and other drugs from behind the wheel of trucks.

 Remove unsafe and poorly maintained trucks from the roads.

McCarthy Stands Strong On Driving Safety

"Truck drivers, the very backbone of this International Union, must also be the leaders in safety on our nation's road system," General President McCarthy said about the subcommittee meeting on the FHWA. "We have a responsibility as the most reliable work force in America to set a high standard for the common welfare of all drivers, whether they are driving diesel trucks, buses, or station wagons.

"Despite the promises made 10 years ago, the country does not have a safer, sounder, or more efficient motor carrier transportation system—in fact, just the opposite is true. Deregulation, the loudly proclaimed solution to the trucking industry's problems in the late '70s, has had an ill effect on driver safety in general."

However, questions and concerns brought up recently in field hearings, such as the one in San Jose, may go a long way toward helping the Department of Transportation fashion a more responsive approach to highway safety. Lives may depend upon it.

SI

McCarthy Attends Dedication Ceremonies As Québec Teamsters Open Expanded Facility

eamsters General President William J. McCarthy recently joined Canadian Conference of Teamsters Director Louis Lacroix and other high-ranking officials from the International and from the Canadian Conference in celebrating the grand opening of a greatly expanded headquarters in Montréal, Québec. The facility will serve the Teamsters of Joint Council 91 and a number of local unions in the greater Montreal metropolitan area. Approximately 100 Teamster members were in attendance at the festivities.

ridtted

l all

fety

ease

icks

fa-

s by

ling

and

cu-

hol

ind

orly

the

ck-

on,

fety

en-

out

the

lity

in

for

eld

an

ard

ns-

n-

ty.

Roughly three years ago, Joint Council 91 decided to sell its former headquarters facility at 5050 de Sorel which also housed the offices of Québec Locals 931, 973, and 903. At that time, it was decided that the Joint Council would share space with Montréal Local 1999, and that an annex would be built to provide the required additional square footage. Soon the merits of sharing the headquarters with other Quebéc locals became apparent. As a result, the expanded headquarters will house the Joint



General President McCarthy and Conference Director Lacroix (center) address gathering of well-wishers at Teamsters Québec facility dedication.



Canadian Teamsters welcome General President McCarthy to dedication ceremonies at new facilities in Québec.

Council and Locals 931, 903, and 1999.

At the dedication, General President McCarthy cut the ribbon to commemorate the grand opening, and praised the Quebec Teamsters for their progressiveness and dedication. "Teamsters in Quebec have a proud record, which bodes well for the future of Teamsters in this Province and in the entire Canadian Teamster Area Conference. Your organizing campaigns have certainly been inspirational. Under the leadership of Director Lacroix, the future of Quebec's Teamsters is truly very bright. The sentiments of confidence and consensus among Teamsters in this Province give both Louis and me a great deal of pride and inspiration. You can count on my continued support for your efforts."

Thanking the General President for sharing in the celebration, Director Lacroix said, "The support given to the Canadian Conference and the Teamsters in Quebec has been vital to the successes of the members in this Province. Our brothers and sisters from all the 50 states and from the other provinces of Canada have shown their solidarity with us time and time again. We are all deeply proud to be Teamsters, and we intend to maintain our status as the best, the strongest, and the most progressive international union in the entire labor movement."





General President McCarthy (right) assists Conference Director Lacroix in ribboncutting ceremonies at the dedication. Also pictured are (back row, from left): IBT Vice Presidents Teddy Cozza, Frank Hackett, and R.V. Durham.

Notice: Current Addresses Needed

ttorneys for the local unions representing Teamster members in the Motor Freight Express (MFX) bankruptcy are attempting to locate the following former employees. Anyone with information concerning the present address of any of these individuals should contact:

Cohen, Weiss and Simon 330 West 42nd Street New York, New York 10036

Attn: Mr. Chris Davey

or call (212) 563–4100 before October 4, 1990

These individuals must be located <u>before that date</u> in order to be eligible for a distribution.

MFX Bankruptcy Wage Claimants

List of Returned Checks

Name	Local
Applegate, Paul	Unknown
Bailey, James	413
Best, Richard	Unknown
Buehman, John	24
Bond, Betty	Unknown
Brown, George	430
Colinear, Theodore	Unknown
Corum, Wanda	Unknown
Crane, Howard	24
Dalton, David E.	430
Dent, John	Unknown
DeSimone, Daniel	Unknown
Diverdi, Rocco	Unknown
Ferguson, Robert	24
Fetter, Shannon	430
Fico, D.	641
Foley, Camille	161
Gabauer, David	249
Habraken, Jerry	Unknown

Heilig, David	Unknown	Myers, John	24
Henry, Richard	Unknown	Patterson, James	Unknown
Howell, Henry Jr.	Unknown	Pifer, Thomas	Unknown
Kinard, Annie	430	Prebulla, Joseph	Unknown
Kiner, Richard	430	Sabbio, Danice	Unknown
Klein, Jack	Unknown	Samuels, Charles Jr.	24
Kline, George Sr.	24	Schumm, Thomas	24
Landis, Stephen	430	Slenker, Larry	Unknown
Lemons, Mary	Unknown	Soto, Linda	559
Lewis, Grafton Jr.	639	Stratford, Bernard	Unknown
Meaux, V.	Unknown	Strom, Joseph	430
Melton, Charles	430	Veach, Jerry	Unknown
Miller, Bruce	776	Wedding, Doris	Unknown
Mundis, Ralph	430	Wiechers, Robert	Unknown

Teamsters Win Legal Battle For UPS Operations Clerks

fter a trial held in Orlando, Florida, in January of this year, following a three-year legal battle, a National Labor Relations Board (NLRB) judge has found that the Teamsters' successful fight for inclusion of several thousand United Parcel Service (UPS) operations clerks in the UPS bargaining unit was proper. The addition of these employees was held to be a lawful accretion.

For many years the Teamsters had fought UPS's refusal to recognize these workers at all locations at which they were employed, but in 1987 succeeded in negotiating their inclusion in the bargaining unit. The operations clerks job categories now include as members of the bargaining unit nationwide, rewrap, bad address, postcard, operating center, air operations, package return, damage, hub and air hub return clerks.

The complaint filed by the General Counsel of the NLRB asserted that the Union did not represent a majority of UPS operations clerks, and that these workers were not therefore properly added to the bargaining unit. The testimony of Al Barlow, director of the Parcel and Small Package Division of the IBT, to the contrary, however, was found to be compelling and accepted by the judge. As Director Barlow noted, operations clerks had historically been members of the UPS bargaining unit at numerous locations for many years, and were members of many Teamster local unions. Addition to the bargaining unit of those previously denied inclusion, he testified, brought them substantial wage increases and new opportunities for promotion and advancement.

Orlando, Florida, Teamsters Local 385 President Larry D. Parker also assisted in the preparation of this case, in which the Union was represented by the IBT Legal Department. At press time no appeal from this decision had been filed.

Di

Turbulent Times at Pan Am World Airways

mployees of Pan American World Airways (Pan Am) have begun job actions, slowdowns and massive demonstrations as part of a campaign of guerrilla warfare to force the company to engage in meaningful contract negotiations.

Workers represented by the Teamsters Airline Division have walked off the job to demonstrate against the company in New York, Miami, Los Angeles, San Francisco, and Washington, D.C.

The federal courts have ruled that the workers have a legal right to take economic action against the company.

"We have been in negotiations with the company," said Airline Division Director William F. Genoese, "but there has been no progress toward a fair and equitable contract."

The Airline Division represents a broad cross section of 6,500 Pan Am employees—including reservations, passenger service and cargo agents, clerical and accounting workers, stock clerks, and nurses.

Trucks Stopped At JFK Airport

One group of pickets marched outside the Pan Am cargo operation at JFK Airport in New York City. Truck deliveries were halted



These Pan American World Airways employees picketed outside the Pan Am property at New York's Kennedy International Airport. Workers throughout the Pan Am system have been taking part in job actions to protest the company's refusal to engage in meaningful contract negotiations with the Teamsters Union. The IBT represents 6,500 Pan Am employees.



Scores of Pan American World Airways employees at Kennedy International Airport in New York walked off the job and demonstrated against the company at an impromptu meeting in a cafeteria on the Pan Am property. The workers angrily voted down the company's latest contract proposal. The meeting was typical of similar gatherings throughout the Pan Am system.

when drivers honored the picket line.

"We have the legal right to strike Pan Am at any time," Genoese said.

The workers have become increasingly angry and frustrated by the company's attitude. They are concerned about their wages, hours, working conditions, and pensions.

"These workers have had no wage increases since 1981. The company imposed 55 concessions on them in 1988, including an eight percent pay cut and reduced holidays, vacations, and sick days," Genoese explained.

The workers say that inferior pay means less work. They have been fighting back by slowing down.

Big Financial Losses Due to Mismanagement

The Teamsters are demanding restoration of the 55 items taken away by the company, plus wage increases in line with those received by management and other groups at Pan Am. "No one in management has taken a pay cut," Genoese said.

The company claims it doesn't have the money to raise the wages of the Teamsters, but Genoese said

Pan Am's big financial losses over the years have been due to gross mismanagement at the top.

"The company wants the workers to pay for management's block-buster mistakes," he said.

He added that the Union does not want to see Pan Am enter into bankruptcy, but that the airline must treat its workers fairly.

Company Wanted To Force a Strike

Pan Am wanted to force the workers out on strike on February 21, 1988, when it unilaterally imposed concessions on them—just as it forced the Transportation Workers Union out on strike in 1985. The Teamsters honored the two picket lines throughout the 1985 strike.

However, Pan Am's Teamster members were determined that the workers—not the company—would decide on the timing of a strike. The International Union gave the workers full support.

When it failed to force a strike, Pan Am thought it could wear the Teamsters down. The workers stayed together despite management's efforts, and they are determined to come out on top.

Weinmeister Attends Hall of Fame Ceremonies



IBT Vice President Arnie Weinmeister (left) congratulates new Football Hall of Fame inductee Tom Landry at recent ceremonies. Weinmeister, also a Hall of Famer, once was a teammate of Landry's on the New York Giants football team.



While in Canton, Ohio, for Hall of Fame ceremonies, Weinmeister also met with Gene Upshaw (left), executive director of the National Football League Players Association.

nternational Vice President and Western Conference Director Arnie Weinmeister recently attended Football Hall of Fame ceremonies in Canton, Ohio, inducting former Dallas Cowboys coach Tom Landry into its fraternity.

Weinmeister, himself inducted into the Hall of Fame in 1984, is a former teammate of Landry's.

"The visit brought back great memories about my career in pro ball," he recalls. "I was glad to be there with Tom Landry, to congratulate him. He is well-deserving of the honor."

While in Canton, Weinmeister also took the opportunity to meet with Gene Upshaw, executive director of the National Football League Players Association.

Attention All Members NOTIFY YOUR LOCAL UNION

If there needs to be a change made in your mailing address . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

NO. ABOVE NAME		
NAME		
STREET		
CITY	STATE	ZIP CODE

Report XV to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

INTRODUCTION

In this Report, I will tell you about a number of decisions that were recently issued by United States District Court Judge David N. Edelstein. The first, and the most significant, is Judge Edelstein's July 10, 1990, decision concerning the election rules promulgated by the Election Officer. The next decision, also issued on July 10, 1990, concerns the Court's approval of Mr. Holland's hiring of Regional Coordinators and other support staff. In two other decisions, Judge Edelstein dismissed three lawsuits that had been filed against the Investigations Officer, me and the IBT. Lastly, I will tell you about a disciplinary decision I recently issued expelling Dominic Senese, Joseph Talerico and James Cozzo from the IBT based primarily on their ties to organized crime.

I. Judge Edelstein's July 10, 1990, Decision Regarding The Election Rules

As detailed in my Report XII, which was published in the June 1990 issue of *The International Teamster*, Michael H. Holland, the Election Officer, completed and distributed thousands of copies of the "Rules of the IBT International Union Delegate and Officer Election." In my Report XII I included a summary of those Rules. I also told you that I had filed an Application before Judge Edelstein asking him to approve and direct compliance with the Rules. In response to my Application, your leadership filed a series of objections to the Rules as proposed, including a challenge to the authority of Mr. Holland to promulgate the Rules. The IBT also challenged whether Local Unions were bound by the election provisions of the March 14, 1989, Consent Order.

On July 10, 1990, Judge Edelstein issued a decision on the Rules. A copy of that decision is published elsewhere in this issue. Each of the IBT's objections was rejected by Judge Edelstein. He specifically found that all subordinate IBT entities, including Locals, Joint Conferences and Area Conferences were bound by the Rules.

With the exception of rules relating to access by accredited candidates to membership lists, and certain election functions that were to have been performed by representatives of Local Unions (which are described in detail below), the Rules as proposed were approved as drafted by Election Officer Holland. These included, among others, basic provisions concerning the following: nomination notices and meetings, eligibility and accreditation of candidates, candidate mailings and printing of candidate statements in union publications, the number of delegates and alternate delegates to be elected, the conduct of nominations at the International Convention, guarantees concerning the political rights of members, campaign contributions and disclosure, and the role of observers in union elections.

Judge Edelstein amended Article VIII, §2(a) of the Rules to require that the Union membership list be released to all accredited candidates. In ordering this amendment, Judge Edelstein ruled that the IBT leadership has misused the membership list by publishing numerous articles in The International Teamster that repeatedly criticized the Court-appointed Officers, and undermined the integrity of the election process. The Judge made a determination that the IBT leadership has used The International Teamster magazine as a vehicle to communicate an official policy of opposition to free and fair elections and to convince the membership that democratic reform is unnecessary. Judge Edelstein accordingly rejected the proposed rule regarding a candidate's right to inspect IBT membership lists. He specifically found that the rule "should be amended to allow an accredited candidate access to membership lists." Rules, Art. VIII, §2(a) [p. 46-47]. Specifically, the Judge directed that the IBT is to prepare a current membership list before September 1, 1990, and transfer that list to the Election Officer. The Election Officer is then authorized to release a copy of "the appropriate membership list to an accredited candidate 30 days before the date of an election." Judge Edelstein also ruled that for an accredited candidate to obtain a copy of the membership list, he or she must submit "an affidavit averring that [s]he would not permit inspection or copying of the list to any other third parties. A violation of this order would be punishable by contempt." On August 1, 1990, Judge Edelstein denied the IBT's motion to "stay" this portion of his ruling. A copy of Judge Edelstein's August 1, 1990, decision on this issue is printed elsewhere in this magazine.

Judge Edelstein also ordered that the responsibility for certain election functions, which under the Rules as proposed had been delegated to representatives of the Local Union, would now be the responsibility of the Election Officer or his representatives. What follows is a list of the specific functions in question:

A. *Type of Balloting*. The Local Union may initially propose to conduct delegate elections by mail ballot or in-person "by means of a standard type of election mechanical device only," or a combination of these two methods. The Election Officer retains the authority to designate the type of balloting for all Local Unions. Paper balloting will not be permitted. Rules, Art. XII, §1(b) [pp.80–81]; Art. II, §2(b)(5) [p. 10].

B. *Outside Election Agency*. The Election Officer will determine whether and, if so, which outside election agency may be used to conduct nomination meetings and/ or delegate elections. Rules, Art. II, §2(b)(4) [p. 10].

C. Eligibility to Run and to Nominate and Second Candidates. Candidates, and their nominators and seconders, are strongly urged to make requests for a determination of their eligibility to run for election prior to the

Report XV (continued)

time for nominations. Written requests are to be directed to the Election Officer, who will reply within five days of such request. Challenges by members to the eligibility of a candidate must also be in writing and must be sent directly to the Election Officer. Rules, Art VI, §4(a) [pp. 42–43].

D. Voting Procedures. The Election Officer will be responsible for security post office boxes for mail ballot voting and absentee ballot returns. Rules, Art. XII, §3(c)(5) [p. 87]; Art. XII, §2(b)(4) [p. 84]. The Election Officer will prepare and maintain all ballots. Rules, Art. II, §8(g) [p. 20]. The Election Officer will supervise all direct, inperson voting. This will include providing the ballots and the "standard type of election mechanical device," as well as the handling of all ballots. Rules, Art. XII, §1(b) and (c) [pp. 80-81]. Voters will present themselves to the Election Officer or his representative(s), and the Election Officer will make determinations regarding the voter's eligibility to vote. Rules, Art. XII, §1(e) and (f) [pp. 81-82]. Requests for absentee ballots will be made to the Election Officer and he will distribute absentee ballots. Rules, Art. XII, §2(b)(1) and (2) [pp. 83–84]. The Election Officer will send out all mail ballots, and any request by an eligible member not receiving a ballot within ten days will be directed to the Election Officer. Rules, Art. XII, §3(c)(1) and (3) [p. 86]. All ballots will be picked up by the Election Officer and counted by him. Rules, Art. II, §2(b)(6) [p. 10]; Art. XII, §2(b)(6) [p. 85]; Art. XII, §3(c)(8) [p. 87]; Art. XII, §3 (c)(10) [p. 88]; Art. XII, §5 [pp. 89– 91]. The Election Officer will announce the results of the election, and cause a copy of the official election tally sheet to be posted on the Local Union bulletin boards. Rules, Art. XII, §6 [p. 91].

With the modification mentioned above, the proposed Local Union Election Plans, which have been submitted to the Election Officer, will continue to be processed in the manner outlined in the Election Rules. It is anticipated that such Plans will be reviewed, modified and approved in sufficient time for these elections.

The Court-appointed Officers embrace Judge Edelstein's decision and will devote our full resources to implementing its terms. As I have stated before, however, the election process can only be a success with the full cooperation of the rank and file. I urge you to take the time to familiarize yourself with the Rules as approved by Judge Edelstein in his July 10, 1990, decision. If you have any questions regarding the Rules as they were approved by Judge Edelstein, please contact the Office of the Election Officer in Washington, D.C. (toll-free number: 1-800-828-6496) or your Regional Election Coordinator. A list of the names, addresses and telephone numbers of the Regional Election Coordinators appear in the next section.

II. Judge Edelstein's July 10, 1990, Decision Regarding The Election Officer's Hiring of Regional Coordinators and Support Staff

In my last Report, I explained that Mr. Holland will obviously need many people to help him carry out his role in supervising the election process. This is all the more true given Judge Edelstein's approval of the Election Rules and his expansion of the Election Officer's role. To help him in his efforts Mr. Holland has begun to retain Regional Coordinators. These individuals will "coordinate" the supervision of the election process throughout the United States and Canada. Your leadership objected to Mr. Holland's hiring of these Regional Coordinators and any additional staff needed by Mr. Holland. Given the objection of your leadership, I was forced to make this issue the subject of an Application before Judge Edelstein.

On July 10, 1990, Judge Edelstein issued an oral decision approving all of Mr. Holland's staffing needs. Below is a list of the names, addresses, phone numbers and regions of each of the 14 Regional Coordinator's retained by Mr. Holland to date. Mr. Holland still anticipates hiring additional regional coordinators about whom I will provide you with information in my next Report. In the interim, you may telephone the Office of the Election Officer to inquire about the coordinator in your region.

Loint

Regional Coordinator List

Name	Regional Code	Regions/ States	Councils Locals
Bruce Boyens	RMT (Rocky Mtn)	Denver, CO	JC 3
2557 Ash Street Denver, CO 80207		Fargo & Vicinity, ND	JC 82
O: 303-355-1754 Fax: 303-399-2574		"Sugar" Locals	Locals 1060, 1062, 1064, 1067, 1068, 1071 & 1073
Tax. 303-333-2314		Hawaii	Locals 681, 996
Grant Crandall	MID (Mid-Atlantic)	Charlotte, NC	JC 9
Crandall & Pyles Suite 414		Washington, DC	JC 55
Medical Arts Bldg		Baltimore, MD	JC 62
Charleston, WV 25301		Richmond, VA	JC 83
			TO A MOTE D

TEAMSTER

Mail to: PO Box 3465 Charleston, WV 25334 0: 304-345-3080 Fax: 304-345-3083		Charleston, WV Santurce, PR	JC 84 Local 901
Larry Daves	SOU (Southern)	Southern, TX	JC 58
2313 N. Flores Suite 101		Northern, TX	JC 80
San Antonio, TX 78212 0: 512-733-3299		Tennessee	Locals 119, 217, 667, 984, & 1196
Fax: 512-733-8466		Arkansas	Locals 19, 119, 373, & 878
		Oklahoma	Locals 19, 516, 886, 523, & 1116
Jim DeHaan	MGN (Michigan &	Michigan	JC 43
7192 Pebble Park Drive West Bloomfield, MI 48322 H/O: 313-626-4240	Toledo, OH)	Toledo, OH	JC 44
Edward T. Ellis, Esq. Montgomery, McCracken, Walker & Rhoads Three Parkway Philadelphia, PA 19102 0: 215-665-7322 Fax: 215-636-9373	NJE	New Jersey	JC 73
Joyce Goldstein Attorney at Law 520 Leader Bldg. Suite 520 Cleveland, OH 44114 0: 216-771-6633 (fax # same)	CLE (Cleveland)	Cleveland, OH	JC 41
Michael D. Gordon 801 Greenway Terr.	MOI (Missouri & Iowa)	Missouri	JC 13 JC 56
Kansas City, MO 64113		Iowa	JC 45
H/O: 816-523-7861 Fax: 816-822-1561		Nebraska	Local 554 only
Julie Hamos c/o Julie E. Hamos and Associates 122 S. Michigan Ave. Suite 1850 Chicago, IL 60603 0: 312-427-4500 Fax: 312-427-1850	СНІ	Chicago, IL	JC 25
Peggy Hillman	SCE (South Central)	Cincinnati, OH	JC 26
445 N. Penn. Suite 911		Springfield, IL	JC 65
Indianapolis, IN 46204		Indiana	JC 69
0: 317-635-4059 Fax: 317-635-4105		Kentucky	JC 94

ig in of

nns seer ser so)

g

ll le e

es lp al

ed d

n n

n

ans r. g

1,

R

Report XV (continued)

Regional	Coordinator	List	(continued)
----------	-------------	------	-------------

	Regional coord	inator bibt (continuou)	
William Kane 242 Old Haymaker Road Monroeville, PA 15146	Pgh (Pittsburgh & Upstate NY)	Rochester, NY Utica, NY	JC 17 JC 18
H/O: 412-373-1050 Fax: 412-856-5765 (must include office		Pittsburgh, PA Buffalo, NY	JC 40 JC 46
phone number on fax transmittal sheet)			
Peter V. Marks, Sr. Walters, Willig, Williams & Davidson 1608 Walnut Street 10th Floor Philadelphia, PA 19103	PHL	Philadelphia	JC 53
O: 215-875-0300 Fax: 215-893-9272			
Barbara Quindel	NCE (North Central)	Minnesota	JC 32
Perry, Lerner & Quindel 823 N. Cass St. Milwaukee, WI 53202		Wisconsin	JC 39
O: 414-272-7400 Fax: 414-273-0554			
Gwen Randall	CAN (Canada)	Vancouver, British Col	JC 36
McCarthy & Tetrault Suite 1600	ONT (Ontario)	Alberta, Saskatchewan	JC 90
530 8th Ave., SW Calgary, Alberta CANADA T2P 3S8		Manitoba	Local 979
O: 403-234-7200 Fax: 403-234-7208			
Donald H. Williams	SEC (South East)	Louisiana & Alabama	JC 93
1013 Smith Drive Metairie, LA 70005		Alabama	Locals 402, 612 & 991
O: 504-834-0956		Florida	Locals 79, 173, 385, 388, 390, 444, 512, 769, 930 & 947
		Georgia	Locals 528 & 728
		Mississippi	Locals 258 & 891
		Tennessee	Locals 327, 480, 515, 519 & 549

III. The Dismissal Of The Lawsuit Filed By IBT Vice-President Theodore Cozza Against The Investigations Officer, The Independent Administrator And The IBT

In my Report X, published in the April 1990 issue of *The International Teamster*, I reported that IBT Vice-President Theodore Cozza had been charged by the Investigations Officer with "bringing reproach upon" the IBT by "knowingly associating" with members of organized

crime families of La Cosa Nostra.

In February of this year, Mr. Cozza filed a lawsuit against the Investigations Officer, myself and the IBT. In his suit, Mr. Cozza claimed that, among other things, his Constitutional right under the First Amendment to freely associate and his Fifth Amendment right to due process were voilated. On July 10, 1990, Judge Edelstein heard argument on a motion brought by Mr. Cozza for a

previssu

is pi

the 1990 state mot "rec Cou

Indealso clair "fol A the Bef on pur law Jud is i

IV.

Car Cor rec 198 641

Inverse sui that un the

Re

Co

Te

pro

dis

Co

els

Dis

SE

preliminary injunction which, if granted, would have prevented his hearing from going forward. In a decision issued that same day, Judge Edelstein denied Mr. Cozza's request for a preliminary injunction. A copy of that opinion is printed elsewhere in this issue.

Subsequently, the Government filed a motion asking the Court to dismiss Mr. Cozza's lawsuit. On July 18, 1990, Mr. Cozza's attorney wrote to Judge Edelstein and stated that Mr. Cozza would not oppose the Government's motion. One of the reasons given, was that Mr. Cozza's "request for injunctive relief has been mooted by this Court's adverse ruling and the commencement of [Mr. Cozza's disciplinary] hearing on July 14, 1990, before Independent Administrator, Frederick B. Lacey." Mr. Cozza also recognized that his constitutional claims, and other claims he may make, could be made to Judge Edelstein "following the conclusion of the [disciplinary] hearing."

Accordingly, Judge Edelstein, on July 18, 1990, granted the Government's motion to dismiss Mr. Cozza's lawsuit. Before he did so, however, Judge Edelstein heard argument on the Government's request that Mr. Cozza's attorney be punished by Court sanctions for having brought this lawsuit in the first place. I will, of course, inform you of Judge Edelstein's decision on this request when the same is issued.

IV. The Dismissal Of The Lawsuits Filed By Local 27, Local 641 And Joint Council 73 Against The Investigations Officer And The IBT

On December 4, 1989, Investigations Officer Charles M. Carberry, served upon Local 27, Local 641 and Joint Council 73 demands to inspect their respective books and records pursuant to his authority under the March 14, 1989, Consent Order. On December 8, 1989, IBT Local 641 and IBT Joint Council 73 filed a lawsuit against the Investigations Officer and the IBT seeking to prevent the Investigations Officer from examining their books and records. On February 8, 1990, Local 227 filed a similar suit. Both of these lawsuits were premised on the argument that the affiliates in question were not parties to the underlying suit between the Government and the IBT and thus, were not bound by the Consent Order. As a result, they argued, the Investigations Officer had no authority to demand any production of their books and records. Relying on his own decision issued in the Friedman and Hughes matter (a copy of which was published in the May 1990, International Teamster) and the Second Circuit Court of Appeals affirmance of that decision (a discussion of which appears in the August, 1990 The International Teamster), Judge Edelstein held that Local 27, Local 641 and Joint Council 73 were all bound by the disciplinary provisions of the Consent Order, including the granting of power to the Investigations Officer to examine their books and records. As a result, in two decisions, one issued on July 20, 1990, and one on July 23, 1990, Judge Edelstein dismissed the lawsuits filed by Locals 27, 641 and Joint Council 73. Copies of these two decisions are published elsewhere in this issue.

V. My Decision Regarding The Disciplinary Charges Filed Against Senese, Talerico and Cozzo

In the April 1990 issue of The International Teamster, I advised you that the Investigations Officer had charged Dominic Senese (President of Local 703 in Chicago), Joseph Talerico (Business Agent of Local 727 in Chicago), and James Vincent Cozzo (Executive Coordinator of Local 786 in Chicago)² with "bringing reproach upon" the IBT by "knowingly associating" with members of organized crime families of La Cosa Nostra. In addition, Mr. Senese was charged with actually being a member of La Cosa Nostra. An additional charge against Mr. Talerico alleged that he brought "reproach upon" the IBT "by unlawfully refusing to answer questions before a Federal Grand Jury investigating the skimming of funds from a Las Vegas casino, which . . . conduct was the basis of [Mr. Talerico's] conviction for criminal contempt in violation of [Federal lawl in the United States District Court for the District of Nevada . . . and for being held in civil contempt in that district."

A hearing was held on these charges in Chicago on March 22-23, 1990. Pre- and post-hearing memoranda were received and both Mr. Senese and Mr. Talerico were represented by counsel. Mr. Cozzo made no appearance. Having considered the evidence and the arguments of counsel, I issued a written decision on July 12, 1990. In that decision I concluded that the Investigations Officer had proved his charges against Mr. Senese, Mr. Talerico and Mr. Cozzo. Accordingly, I ruled that these men were to permanently remove themselves from all of their IBT affiliated union positions (which includes, of course, membership in the IBT) and draw no money or compensation therefrom, or from any other IBT affiliated source. To afford them the opportunity to challenge my decision, I stayed the commencement of their debarment from the IBT until such time as Judge Edelstein reviews my findings and holdings, all of which I submitted to him by way of Application XII.

Given that my decision totalled 42 pages, I will only highlight those portions that I find particularly compelling. One of the arguments advanced by Mr. Senese and Mr. Talerico against the charges was that the Respondents did not have proper notice that associating with members of, or membership in, La Cosa Nostra would bring reproach upon the IBT, until the entry of the March 14, 1989, Consent Order. As you may already know, the Consent Order contains a specific prohibition against Union officials associating with organized crime. In rejecting this argument I stated:

To conclude otherwise would lead to the most disingenuous of contentions—that until the entry of the explicit bar in the Consent Order against association with members of La Cosa Nostra, Senese and Talerico, both long-time IBT members and officers in Chicago, did not know that associating with organized crime figures would taint their Union-

S

Although this suit was originally brought in the United States District Court in New Jersey, it was eventually transferred to the United States District Court for the Southern District of New York.

² By letter dated February 19, 1990, I was informed by an attorney representing Local 786, that Mr. Cozzo "has not been employed by Local 786 since July 9, 1989. Additionally, he has taken a withdrawal card and is not an active member of the Local Union."

a Union which has "acknowledg[ed] that there have been allegations, sworn testimony and judicial findings of past problems with La Cosa Nostra corruption of various elements of the IBT." Consent Order, fourth Whereas clause at p. 2. Most recently, Judge Edelstein has described the IBT as "a union which has been the historic marionette of organized crime." United States of America v. IBT, 88 Civ. 4486 (DNE) (S.D.N.Y. July 10, 1990). The Consent Order's injunction did not bring to bear anything new, but simply explicated what, according to the IBT's current leadership, are the goals of the IBT. See Consent Order fifth and sixth Whereas clauses at p. 2 ("WHEREAS, the union defendants agree that there should be no criminal element or La Cosa Nostra corruption of any part of the IBT; and WHEREAS, the union defendants agree that it is imperative that the IBT, as the largest trade union in the free world, be maintained democratically, with integrity and for the sole benefit of its members and without unlawful outside influence. . . . ").

IBT General President William J. McCarthy has himself stated that "the goals of a clean . . . union are consistent with the goals of our leadership." President's Message, *The International Teamster*, April 1989. IBT General Counsel Grady has also favorably quoted to the approximately 1,700,000 rank and file members of the IBT Judge Edelstein's statement made in open court on March 14, 1989:

Today, the leaders of the International Brotherhood of Teamsters have *rededicated* themselves to the principle and spirit that guide labor unions in this country. They affirm that their union should be free from the influence of organized crime.

[The International Teamster, April 1989, at p. 6 (emphasis supplied)]

In response to the argument that the charges infringed on Mr. Senese's and Mr. Talerico's constitutional right to freely associate, I observed that the law will permit an abridgement of an individual's First Amendment right to freely associate when faced with a compelling interest. As I stated:

In this matter, the compelling interest is clear—to rid the IBT of the influence of organized crime. Such a goal can never be realized unless the IBT purges itself of those individuals within its ranks who knowingly associate with members of organized crime or who are actually members in such notorious organizations as La Cosa Nostra. Such associations are clearly inimical to the lofty goal at stake here, and must be compromised if the IBT is to be cleansed of its corrupt influences.

In rejecting Mr. Talerico's argument that he should not be punished for his assertion of his constitution Fifth Amendment right against self-incrimination before the Las Vegas grand jury investigating the casino skimming scheme, I relied, in part, on the rationale underlying the "AFL-CIO Executive Council Statement on the use of the Fifth Amendment in Investigations of Racketeering, January 28, 1957:"

Uni

Sou

8

Uni

It is the policy of the AFL-CIO . . . that if a trade union official decides to invoke the Fifth Amendment for his personal protection and to avoid scrutiny by proper legislative committees, law enforcement agencies or other public bodies into alleged corruption on his part, he has no right to continue to hold office in his union. Otherwise, it becomes possible for a union official who may be guilty of corruption to create the impression that the trade union movement sanctions the use of the Fifth Amendment, not as a matter of indivudal conscience, but as a shield against proper scrutiny into corrupt influences in the labor movement.

I further stated that:

[I]n reaching this conclusion, I am in no way questioning or challenging Talerico's right, or any other union member's right to invoke his Fifth Amendment privilege at any time, even in the face of a grant of immunity. It must be recognized, however, that the exercise of right may, under certain circumstances, have an impact on that member's tenure as a union officer and/or member.

I will, of course, keep you informed of Judge Edelstein's review of my decision in the Senese, Talerico, and Cozzo disciplinary matters in future Reports to you.

CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBouf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

EL

SEF

Court Orders of Judge Edelstein

United States District Court Southern District of New York

OPINION & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

-V-

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

IN RE:

APPLICATION X BY THE INDEPENDENT ADMINISTRATOR

Appearances: OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Assistant United States Attorney, of counsel, for the United States of America;

MICHAEL H. HOLLAND, Election Officer, Chicago, Illinois;

FREDERICK B. LACEY, Independent Administrator, Newark, New Jersey, Stuart Alderoty, of counsel;

MUDGE, ROSE, GUTHRIE, ALEXANDER & FERDON, New York, New York, (Jed S. Rakoff, Audrey Strauss, Robert P. Knapp, III, Jack Levine, Vincent P. Esposito, Jr., Ralph P. DeSanto, of counsel) for defendant International Brotherhood of Teamsters;

FRIEDMAN & LEVY-WARREN, New York, New York, (Eugene S. Friedman, Jay P. Levy-Warren, of counsel) for IBT Locals 282 and 707;

PAUL, WEISS, RIFKIND, WHARTON & GARRISON, Robert S. Smith, of counsel (Helen Hershkoff, American Civil Liberties Union Foundation, New York, New York, Thomas Geohegan, Despres, Schwartz & Geohegan, Chicago, Illinois, Paul Alan Levy, Public Citizen Litigation Group, Washington, D.C.) of counsel, for *amici* Teamsters for a Democratic Union;

SUSAN M. JENNICK, General Counsel, Brooklyn, New York (Clyde W. Summers, Judith Schneider, of counsel), for *amici* Association for Union Democracy.

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by plaintiff United States of

America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB"). The settlement is embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials, the Independent Administrator to oversee its provisions, an Investigations Officer to bring charges against corrupt IBT members, and an Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

Application X by the Independent Administrator presents for this Court's review the final set of election rules for the 1991 IBT election for International Officers. During the course of the implementation of this Consent Decree, this Court has been called upon to decide matters large and small. But of all the tasks put before it, no question is more central to the ultimate success of this Consent Decree than this proposed framework for the first fully democratic, secret ballot elections in the history of a union which has been the historic marionette of organized crime. An election under these rules beacon the coming of the light of freedom to this dark union.

These election rules must not be viewed in a vacuum, but instead placed in their proper context. This Court has reiterated that this Consent Decree is a unique attempt to cleanse this union. These election rules are the linchpin in that effort. This Court will only approve election rules that will guarantee honest, fair, and free elections completely secure from harassment, intimidation, coercion, hooliganism, threats, or any variant of these no matter under what guise.

Before examining the election rules and objections to them in detail, this Court must emphasize that its notion of fair, free and honest elections means more than just an honest ballot. Fair elections demand that IBT members are given a meaningful uncoerced choice of candidates. Candidates must be freed of any hesitation about speaking openly on issues, including criticism of the incumbent IBT structure. Candidates must be fearlessly free to communicate those views to the membership. Members must be assured and given confidence that they need not fear to engage in untrammelled discussion.

The Rules Promulgation Process

The election rules submitted to this Court were promulgated by the Election Officer pursuant to ¶F.12.(D) of the Consent Decree, which authorizes the Election Officer to supervise all phases of the 1991 Election for International Officers. See Consent Decree, ¶F.12.D at 15; see also United States v. International Brotherhood of Teamsters, 723 F. Supp. 203, 206–07 (S.D.N.Y. October 18, 1989) (the "October 18, 1989 Decision") appeal dismissed (unpublished order, 2d cir. Dec. 13, 1989), petition for

rehearing en banc denied, (unpublished order, 2d Cir. Feb. 12, 1990), cert. denied (June 11, 1990).

The October 18, 1989 Order of this Court established that the parties intended the Election Officer to have broad power actively to supervise the entire 1991 election for International Officers. The promulgation of electoral rules is an integral part of that mandate. The October 18, 1989 Order also authorized the Election Officer to follow a timetable for the 1991 election. Application X presenting these electoral rules comports with the schedule for these events. See id.

The Election Officer followed the notice and comment rulemaking process to promulgate these final election rules. The Election Officer drafted a set of proposed electoral rules, (the "proposed election rules") and distributed these to all IBT entities on February 22, 1990. The Election Officer then held a series of eight hearings from March 6 through March 27 around the United States and Canada to solicit comments from all interested entities about the proposed election rules. The transcripts of these hearings are part of Application X and public record filed with the Court. The Election Officer then considered the comments from the hearings in addition to submitted written commentary in promulgating the final rules. These final rules are the substance of Application X. In addition the Election Officer has released commentaries as a companion to the final election rules, (the "election rules commentaries"). The election rules commentaries further demonstrate the comprehensiveness of the Election Officer's work.

The Court is satisfied that the Election Officer proceeded in a methodological way such that the IBT membership and subordinate entities were afforded an ample opportunity to participate, comment, and make their input part of the public record of these final election rules.

II. Objections to the Final Rules

A. General Objections

The IBT again reiterates its position that the Election Officer has no specific authority under the Consent Decree to promulgate election rules. The IBT conceded in a footnote that these same arguments were rejected by this Court's decision of Application II. See October 18, 1989 Opinion, supra, 723 F. Supp. at 206–07, appeal dismissed (unpublished order, 2d cir. Dec. 13, 1989), petition for rehearing en banc denied, (unpublished order, 2d Circ. Feb. 12, 1990), cert. denied (June 11,1990). The IBT's asking this Court to revisit this final ruling is frivolous. My decision stands.

Locals 282 and 707 assert that as locals they are not bound by the Consent Decree's changes to the IBT

constitution. This Court has already set out in detail its reasoning on the binding effect of the Consent Decree. See January 17, 1990 Opinion and Order of this Court, (the "All Writs Act Opinion"), 728 F. Supp. 1032, 1048-57 (S.D.N.Y. 1990), aff'd (2d Cir. June 27, 1990). That specific reasoning is incorporated into this order by reference. This Court now specifically orders that the local unions are bound by the election provisions of the Consent Decree.

tion

which

argu

Deci

the

loca

that

ther

Deci

voic

wou

into

the

unic

elec

deni

A

T

rule

offic

Inte

crec

rule

sign

mer

23.

nati

lish

89

acci

the T

can

the

the

Dec

pub

doe

The

the

ber

Off

lite

effi

abo

Co

De

rig

F.

Int

A

B. Specific Objections

Challenges to particular election rules will be considered separately.

1. Article II, §1 of the Final Election Rules

The IBT protests that this rule—which sets a formula for the number of alternate delegates that each local union must elect—is at odds with Article III, §5(a)(2) of the IBT Constitution. In their objections to this rule the IBT ignores the underlying problem which Article II, §1 of the final election rules corrects. The Consent Decree prohibits delegates from participating at the international convention unless directly elected. Without this rule, those locals that do not elect alternate delegates would be disenfranchised should some elected delegates be unable to attend the international convention. In addition, those locals whose relative delegate strength increased between the local delegate election and the international convention will have a reservoir from which to draw alternate delegates.

The final election rule at Article II, §1 is within the Election Officer's authority to supervise this election. Accordingly, the IBT's challenge to Article II, §1 of the final election rules is denied.

2. Article II, §2 of the Final Election Rules

The IBT challenges the provision at Article II, §2 of the final election rules—requiring each local to submit a local union plan to the Election Officer—as beyond the scope of the Consent Decree. The local union plan must detail for the Election Officer that local's specific procedure for the elections.²

The final election rule's requirement of a local union plan falls within the authority of the Election Officer to supervise this election. The Election Officer cannot supervise this election without the specific information contained in a local union plan.

The IBT further objects to the Election Officer's inten-

¹ The hearings were held in San Francisco, California; Seattle, Washington; White Plains, New York; New York, New York; Baltimore, Maryland; Chicago, Illinois; Memphis, Tennessee; Cleveland, Ohio; and Toronto, Ontario, Canada. At least one hearing was held within the geography of each IBT area conference.

² The local union plan requires a local to set forth (1) the date of issuance of the notice for the nomination meeting and delegate election; (2) the dates of the nomination meeting and delegate election; (3) a description of the composition of the local election committee; (4) information about any outside election agency used to conduct the election; (5) method for conducting the election; (6) the method of counting the ballots; (7) the number of alternate delegates to be elected; (8) the number of delegates whose expenses the local will pay to attend the international convention; (9) the number of alternates to be sent to the international convention with expenses paid; (10) a list of rule modifications approved by the Election Officer; (11) other information requested by the Election Officer.

tion to conduct all phases of the election of any local which does not submit a local union plan. The IBT again argues such a rule goes beyond the scope of the Consent Decree. The Election Officer contends that he must certify the result of each election. Should a local not submit a local union plan, he is left with two choices: either conduct that local's election, or refuse to certify that local's election, thereby disenfranchising the membership of that local.

its

ee.

art,

48-

hat

by

cal

ent

red

ula

on

BT

BT

of

ee

nal

ose

be

ole

ose

en

on

le-

he

n.

he

he

al

or

on

to

u-

n

n-

m;

he

nd

An intent of the election provisions of the Consent Decree is to give the IBT membership a real and honest voice through direct elections. A course of action which would disenfranchise any portion of the membership is intolerable. The Election Officer's intention to conduct the election of any local which refuses to submit a local union plan falls within his authority to supervise this election.

Accordingly, the IBT's challenges to this rule are hereby denied.

3. Article III; Article VIII, §9; Definitions, ¶2 of the Final Election Rules

The IBT disputes the provisions of the final election rules which provide that accredited candidates for union office may have their campaign literature published in the *International Teamster*. The standards for candidate accreditation are delineated at Article III of the final election rules. A candidate may become accredited under Article III of the final election rules principally by obtaining signatures from 2.5% of the "membership of the relevant membership pool." Article III, §1, Final Election Rules at 23. Accredited candidates and those nominated for international office may have their "campaign literature published in the IBT Magazine" as set out in Article VII[I], §9 of the final election rules. The IBT argues that the accreditation of candidates itself goes beyond the scope of the Consent Decree.

The IBT further contends that publication of accredited candidate literature in the *International Teamster* exceeds the Election Officer's power "to distribute materials about the election to the IBT membership." ¶F.12.(D), Consent Decree at 15. The IBT asserts that the Consent Decree specifically enumerates when the Court Officers may publish material in the *International Teamster*, and ¶F.12.(D) does not explicitly grant the Election Officer such a right. The IBT points out that ¶F.12.(E) expressly provided that the Independent Administrator should report to the membership in each issue of the *International Teamster*.

This argument by the IBT is unpersuasive. The Election Officer has determined that dissemination of campaign literature through the *International Teamster* is the most efficient and effective vehicle for him to "distribute material about the election to the IBT membership." ¶F.12.(D), Consent Decree at 15. That ¶F.12.(E) of the Consent Decree directly authorizes the Independent Administrator to publish a monthly report in the *International Teamster* does not bar a determination that the Election Officer's right "to distribute material to the membership" under ¶F.12.(D) allows publication of campaign literature in the *International Teamster*.

The IBT's argument that these publication rules violate the IBT's right of free speech by compelling that organization to publish certain speech in the International Teamster is similarly unconvincing. While labor unions are not ordinarily required to publish "contrary views," Camarata v. International Bhd. of Teamsters, 478 F. Supp. 321, 330 (D.D.C. 1979), aff'd 108 L.R.R.M. (BNA) 2924 (D.C. Cir. 1981), this election is no ordinary circumstance. Its circumstances require special measures. This Court has previously found that implementing the remedial scheme embodied in the Consent Decree is an extraordinary circumstance requiring "special consideration." All Writs Act Opinion, supra, 728 F. Supp. at 1045. The more general authority cited by IBT, e.g., Wooley v. Maynard 430 U.S. 705, 714 (1977); Pacific Gas & Electric Co. v. Public Utilities Comm'n of California, 475 U.S. 1 (1986); Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974) is therefore inapposite.

This Court is not prohibited from ordering that the *International Teamster* be open to campaign material under special circumstances. In the past, a court ordered such publication in the 1972 election for president of the United Mine Workers union. *See Hodgson v. United Mine Workers of America*, 344 F. Supp. 17, 36 (D.D.C. 1972).

The IBT relies on the *Camarata* decision to argue that a court *cannot* compel a union to publish campaign material in a union publication under *any* circumstances. But that conclusion is misplaced, since the *Camarata* court determined only that the situation it faced presented an inappropriate circumstance to compel such publication. In *Camarata*, the court found that the plaintiff had announced his candidacy for IBT General President solely to "gain access to the *I.T.* [*International Teamster*]." *Camarata*, *supra*, 478 F. Supp. at 329. No such circumstance exists here.

It should not be forgotten that the IBT has bitterly opposed the inclusion of any material arising from the Consent Decree in the *International Teamster*. The IBT objected to monthly reports of the Independent Administrator in the *International Teamster*, and this Court enforced the Independent Administrator's rights to a monthly forum. Contest over that right prompted Application VI by the Independent Administrator, and this Court's decision in a Memorandum & Order dated November 16, 1989 (the "November 16 Memorandum"), *appeal dismissed* (unpublished order, 2d Cir. Dec. 13, 1989), that the Independent Administrator has a right to report monthly to the membership in the *International Teamster*.

This Court has continually recognized that the dissemination of information benefits the IBT membership, which has a right and need to know about these matters that affect their union. No opposition candidate may mount a viable challenge to the entrenched IBT plutocracy without standing on an equal footing with regard to distribution of their views.

The standards delineated in Article III of the final election rules governing the accreditation process regarding which candidates may become accredited are fair and uniform. The intention of the Election Officer to publish

campaign statements of accredited candidates in the International Teamster pursuant to Article VII[I], §9 of the final election rules is an efficient method to accomplish this important dissemination of information.

Accordingly, the IBT's challenge to these rules is denied.

4. Article IV, §3 of the Final Election Rules

The IBT objects to the detailed schedule of nominations and elections of various officers at the 1991 IBT General Convention. It is ludicrous to assert that scheduling nominations and ballots at the 1991 convention transgresses the Election Officer's authority to "supervise" the IBT election located at ¶F.12.(D) of the Consent Decree. Scheduling such activities is squarely within the Election Officer's duties.

Accordingly the IBT's objection to these two rules is denied.

5. Article IV, §§ 3(b), 3(d) of the Final Election Rules

The IBT objects to these two final election rules mandating that nomination votes for IBT international officers be by secret ballot. In ¶F.12.(D)(ii), the Consent Decree specifically provides for an international convention "with all convention Candidate election voting by secret ballot of each delegate individually." Consent Decree at 14.

Accordingly, the IBT's objections to these two rules are denied.

6. Article VIII, §2 of the Final Election Rules

Article VIII, §2(a) of the final election rules provides for limited release of IBT membership lists to candidates. Article VIII, §2(b) permits release of a random sampling of names from the membership lists to a polling entity so that an accredited candidate may conduct opinion polling. Those submitting papers to this Court deeply divide on these rules. The IBT contends that Article VIII, §2(b) violates privacy rights of members and expands the bounds of the Consent Decree by releasing private membership lists to outside parties—opinion polling entities. Amici Teamsters for a Democratic Union ("TDU") object to the limits Article VIII §2 (a) places on access to membership lists. The Court finds Article VIII, §2 of the final election rules flawed.

Article VIII, §2(a) of the final election rules sets the parameters for a candidate's right to inspect IBT membership lists, the availability of which is critical to a candidate's ability to raise funds and make his views known to the membership. Article VIII, §2(a) as promulgated, tracks the Department of Labor regulation interpreting this right of inspection, 29 C.F.R. §452.71 and comports with the parameters for inspection of membership lists set out in §401(c) of the Labor-Management Reporting and Disclosure Act ("LRMDA"), 29 U.S.C. §481(c). Together, the statute and regulation allow a bona fide candidate to inspect and compare the membership lists with their own records within 30 days of a particular election. A candidate's right of access may be increased upon a finding that the union misused the membership list. 29 C.F.R. §452.71(b).

In Article VIII, §2(a) of the final election rules, the Election Officer rejects full distribution of IBT membership lists to accredited candidates on the ground that such lists are protected by statute. See Commentary to Final Election Rules at 20-22; see also 29 U.S.C. §481(c); 29 C.F.R. §452.71. Article VIII, §2(b) of the final election rules allows third parties access to membership lists beyond the limits of 29 C.F.R. §452.71. In their memorandum in support of the final election rules the Independent Administrator and Election Office[r] explain this inconsistency by arguing that the LRMDA's limit on access to membership lists is only conditional. Limited release to opinion polling entities, their argument goes, allows candidates to solicit funds and sample membership attitudes without running afoul of the LRMDA.

of the

crim

parag

elem

organ

and

the

defer

indic

of o

mea

of an

outs

will

rele

the.

its r

and

of t

refo

Tea

and

its (

the

affo

not

whe

Hoo

I

tha

ma

v. 1

Yal

Su

inv

Ho

UM

ple

bo

the

ele

th

ex

to

th

T

S

In his election commentary, the Election Officer stated that many commentators urged him to adopt a more liberal view on the release of IBT membership lists to candidates. See Commentary, Final Election Rules at 22. He rejected such a position, reasoning that since no judicial finding has been made that the IBT misused its membership lists in the instant election, he was bound by 29 C.F.R. §452.71. The Election Officer distinguished this election from the 1972 United Mine Workers rerun election, where a court ordered that union to release its membership lists after a judicial finding of misuse. See Yablonski v. United Mine Workers of America et al., 72 L.R.R.M. 2076; Yablonski v. United Mine Workers of America et al., 305 F. Supp. 868 (D.D.C. 1969); Hodgson v. United Mine Workers of America, 344 F. Supp. 17

(D.D.C. 1972).

The IBT concurs with the Election Officer that absent a specific finding that the IBT has misused its membership lists, the LRMDA precludes their release. The IBT further argues that the purposes of the bar against copying or distribution of membership lists is to avoid the "danger that lists so copied would be used for improper purposes by employers, rival unions, subversive organizations, and the like." Conley v. Aiello, 276 F. Supp. 614, 616 (S.D.N.Y.

This Court disagrees with Article VIII. §2(a) of the final election rules, and concludes that rule should be amended to allow accredited candidates access to membership lists. The conditional protection afforded membership lists should be overridden for two reasons. First, extraordinary measures are necessary to ensure that this election succeeds in upholding the permanent injunction at ¶E.10 barring IBT association with organized crime. Second, the IBT has misused its membership lists in its incessant attacks against the Court Officers, Government and this Court objecting to the implementation of the Consent Decree in the International Teamster. In these attacks the IBT has revealed its opposition to free elections. Additionally, the IBT's behavior over the past year indicates official rejection of reform and with it free elections. While not dispositive, the IBT's official stance is relevant to this determination.

First, release of the membership lists is necessary to uphold the permanent injunction that enjoins any member

22

of the IBT, past or present, from associating with organized crime. The secret ballot election process provided for in paragraph F.12.(D) of the Consent Decree is a critical element in the effort to rid the IBT of the influence of organized crime. In signing the Consent Decree, the IBT and the individual signatories admitted that elements of the IBT have been corrupted by organized crime. The defendants consented to a permanent injunction barring any future contact with organized crime. The fourth, fifth and sixth "WHEREAS" clauses of the Consent Decree, together with the permanent injunction located at ¶E.10, indicate an explicit intention to rid the IBT of the influence of organized crime. Without strong and extraordinary measures taken to foster alternative candidates, the goal of an IBT "maintained democratically, with integrity and for the sole benefit of its members without unlawful outside influence" (Consent Decree, sixth WHEREAS clause) will not be possible. This rationale alone would justify release of the membership lists to accredited candidates.

Second, specific articles in the IBT monthly magazine the *International Teamster* constitute the IBT's misuse of its membership lists for the purpose of subverting a free and fair election by assailing the legitimacy and integrity of the Court Officers and damaging the possibility of reform. The IBT leadershp has used the *International Teamster* as a propaganda tool for self-aggrandizement and for the purpose of torpedoing the Consent Decree and

its designated officers.

, the

rship

lists

ction

.F.R.

rules

d the

m in

Ad-

nsis-

s to

se to

lows

atti-

ated

nore

s to

22.

no

d its

und

hed

run

e its

See

. 72

of of

son

17

ent

hip

her

Of

ger

ses

and

I.Y.

nal

ded

sts.

ists

ary

IC-

.10

he

ant

his

ent

tes

ile

nis

er

The *International Teamster* is a monthly publication of the IBT sent out to all its members. The protection afforded union membership lists by labor law is conditional, not absolute, but courts should release these lists only when the union misuses the membership list. *See, e.g., Hodgson v. United Mine Workers, supra,* 344 F. Supp. at 17–35.

In the 1969 UMW election, a specific finding was made that incumbent candidates had misused the membership lists to discriminate against challengers. This misuse was manifested through extensive coverage over a period of months of the incumbent candidate in the official UMW magazine, with no mention of the challenger. *Yablonski v. United Mine Workers et. al., supra, 72* L.R.R.M. 2076; *Yablonski v. United Mine Workers et al., supra, 305* F. Supp. 868–76. Those findings were later used in part to invalidate the 1969 election and order a re-run in 1972. *Hodgson v. United Mine Workers of America, supra, 344* F. Supp. at 17–35. As a result of incumbent misuse of the UMW magazine, the *Hodgson* court ordered that a complete membership list be compiled and released to any bona fide candidate. *Hodgson, supra, 344* F. Supp. at 36.

Accordingly, a fatally biased official editorial posture in the official union publication that might effect the union's election can constitute misuse of a membership list for the purposes of §401(c) of the LRMDA and 29 C.F.R. §452.71. The IBT has misused union membership lists through the form of articles that are primarily, but not exclusively, couched as responses to the monthly Report to the Membership of the Independent Administrator in the *International Teamster* which are highly critical of

the Court Officers and this Court. This criticism of the Court Officers is evidence of the IBT's official policy of opposition to reform, intended to diminish the integrity of this election to the membership.

A detailed review of the International Teamster is evidence that the IBT has been engaged in a fatally biased official editorial posture that may effect the 1991 election. The IBT has reserved its most severe criticism for the section styled a "memorandum" from General Counsel Grady to General President McCarthy, begun in the August, 1989 issue of the International Teamster. In the August, 1989 "memorandum," the IBT criticized the Independent Administrator and Election Officer, accusing both of actions that transgress the Consent Decree. The September, 1989 "memorandum" attacked the billing rates of the Court Officers and their staffs, and opposed the inclusion of the monthly report of the Independent Administrator. The notable October, 1989 "memorandum" assailed the Election Officer as overstepping his bounds, and accused the other Court Officers of "constantly seeking to expand their 'powers.'" Further, the IBT accused the Court Officers of seeking to expand their powers for their own political gain. The "memorandum" accused "Rudy Guiliano" <sic> of filing the underlying suit to gain publicity for himself in his campaign for Mayor of New York City. General Counsel Grady also quoted an anonymous IBT member from the midwest who asked President McCarthy to protect the membership from its protectors [the Court Officers1.

In the November, 1989 issue, the "memorandum" section accused the Court Officers of being an unnecessary and expensive burden on the IBT. The December, 1989 "memorandum" again assailed the expense of the Court Officers. The January, 1990 edition included a message from General President McCarthy which accused the Government of unwanted and unjustified intrusion into IBT affairs, professed offense at the actions of certain "unelected entities" [the Court Officers] who wished to impose their designs on the IBT and ignore the needs of the membership, and vowed to further fight the Court Officers. The "memorandum" in that issue again denounced the Independent Administrator for ignoring the Consent Decree, and further accused the Court Officers of attempting to challenge the "incumbent elected officers of the IBT at all levels" since they failed to find any influence of organized crime in the IBT.

The "memorandum" in the February, 1990 issue questioned the Independent Administrator's impartiality towards disciplinary hearings since he, rather than "Mr. Cranberry" <sic> sought to publish the names of those IBT members facing disciplinary action. Further, the IBT accused the Independent Administrator of disregarding the IBT Constitution in his decision to ignore the November 1, 1989 resolution of the GEB. In the April, 1990 edition, the *International Teamster* gave extensive coverage to a meeting of the Canadian IBT officers, who authorized the Canadian conference to "go to court to oppose the application of the Consent Order in Canada."

This finding of misuse does not infringe on the free

speech rights of the IBT. While the IBT was and is free to speak on any matter concerning the Consent Decree, under labor law official union commentary may influence other statutory rights, including the right to a free election. In this instance, the official position of the IBT is one of opposition to the Court Officers' implementing reform. This IBT policy demonstrates an[] devious design to deceive the membership into believing that reform is unnecessary and these elections wasteful.

The IBT's concerns about the released lists being used for improper purposes, see, e.g., Conley v. Aiello, supra, 276 F. Supp. at 616, are inapplicable. Indeed, instead of endangering the membership, release of the membership lists in this election furthers the interests of the IBT rank and file for the purpose of ensuring full, fair and free elections. Additionally, such release would only be to IBT members seeking office, minimizing any potential dangers. Misuse of the election lists by candidates would be pun-

ishable upon pain of contempt.

Finally, the IBT has displayed a pattern of reluctance to comply with the specific terms of the Consent Decree absent judicial intervention, indicating the IBT's official opposition to reform. The IBT has refused to furnish office space and challenged the need for file cabinets; delayed in reimbursing the Court Officers, thereby necessitating the creation of a \$100,000 fund for their work (see October 18, 1989 Opinion, 723 F. Supp. at 209-10, appeal dismissed (unpublished order, 2d cir. Dec. 13, 1989), petition for rehearing en banc denied, (unpublished order, 2d Cir. Feb. 12, 1990), cert. denied (June 11, 1990)); bitterly disputed the authority of the Election Officer to serve as more than a passive observer to the 1991 election (id. at 205-09); protested the hiring of staff members for the Court Officers (id. at 208–09); and passed resolutions changing the disciplinary provisions of the IBT Constitution in disregard of ¶L.17 of the Consent Decree. Those resolutions baldly exculpated a former member of the GEB who was a convicted felon from facing disciplinary charges and were determined to be unreasonable by all reviewing courts (see United States v. International Bhd. of Teamsters, (S.D.N.Y. March 14, 1990) aff'd (2d. Cir. June 1, 1990)[)].

The IBT attempted to curtail publication of the *International Teamster* from monthly to quarterly; sent out a memorandum to every local urging that the locals object before this Court to an injunction requiring all litigation concerning the Consent Decree be conducted before this Court, among other actions (*see* All Writs Act Opinion, 728 F. Supp. at 1054-55, *aff'd* (2d. Cir. June 27, 1990)[)]. The IBT currently objects to the Election Officer hiring regional coordinators to assist in supervising the election (Application XI). While not dispositive towards a finding of misuse, this pattern of conduct illuminates the IBT's official stance toward reform and supports the conclusion of official antipathy.

Accordingly, Article VIII, §2(a) must be amended so that the membership lists will be released to any accredited IBT candidate. Further, the IBT's challenge to Article VIII, §(b) is denied.

7. Article VIII, §5 of the Final Election Rules

elec

fina

Offi

A

pro

an

re-1

Offi

tion

sin

be i

Art

Off

der

rul

ele

rul

Car

leg

jur

reg

aut

for

rul

tha

loc

Fu

dic

for

COI

plo

Ш

au

na

off

exp

tiv

are

SE

A

The IBT contests as costly and beyond the mandate of the Election Officer's duties this rule which authorizes the Election Officer to "schedule and conduct International Officer candidate forums" to be covered by print and broadcast media. This rule furthers the duty of the Election Officer to "distribute materials about the election to the . . . membership" set out in ¶F.12.(D) of the Consent Decree.

Accordingly, the IBT's challenge to this rule is denied.

8. Campaign Contributions and Financial Disclosure Requirements of the Final Election Rules

The Election Officer has promulgated a series of final election rules incorporating ¶D.8 of the Consent Decree, which amended the IBT constitution to include a prohibition on employer contributions. This prohibition is statutorily codified by section 401(g) of the LRMDA.

a. Article X, $\S(1)(b)(2)$, Definitions, ¶6 of the Final Election Rules

The IBT objects to this rule which permits a candidate to use employer contribution funds to pay fees for legal or accounting services that candidate needs to ensure compliance with applicable law. Article X, \(\frac{8}{1}\)(b)(2) of the final election rules was constructed specifically to comply with the Supreme Court's ruling in *United Steelworkers v. Sadlowski*, 457 U.S. 102, 119 (1982). In *Sadlowski*, the Supreme Court upheld a ban by the United Steelworkers Union on outside election contributions, but held that extending that bar to financing of litigation would "clearly violate [29 U.S.C. \(\frac{8}{4}11(a)\)] if it prohibited union members from accepting financial or other support from non-members for the purpose of conducting campaign-related litigation." 457 U.S. at 119.

Article X, §1(b)(2) of the final election rules ensures that the outsider rule complies with the *Sadlowski* decision. Accordingly, the IBT's challenge to this rule is denied.

b. Definitions, ¶17 of the Final Election Rules

The IBT protests that the definition in the final election rules of an employer for the purpose of barring campaign contributions omits any mention of foundations. The IBT argues that this omission is specifically intended to allow contributions from TDU. The Election Officer responds that his definition of "employer" includes "any individual, corporation, trust, organization or other entity that employs another." The IBT's protest here is inappropriate, since they object to a potential application of the election rules, rather than a specific rule.

c. Article X, §2

The IBT objects to this rule—which requires each candidate nominated for international officer to disclose information about their campaign financing and expenditures—as exceeding the scope of the Consent Decree. In order for the Election Officer to properly enforce ¶D.8 of

the Consent Decree and ensure honest, fair and free elections, such disclosure is essential. Article X, §2 of the final election rules fall squarely within the Election Officer's mandate to "supervise" this election.

Accordingly, the IBT's objection to this rule is denied.

9. Article XI, §3; Article XII, §7 of the Final Election Rules

e of

izes

onal

and

tion

the

sent

ied.

ure

inal

ree,

ohi-

is

inal

late

gal

ure

of to

eel-

In

ted

but

ion

ted

ort

m-

res

ci-

on

BT

ıds

m-

te.

on

ch

se

d-

In

of

ER

The IBT objects to these two final election rules—which provide that should the Election Officer refuse to certify an election, he shall then "conduct and administer []" a re-run election—as impermissibly expanding the Election Officer's mandate to "supervise" the election. This objection is joined by locals 282 and 707. As discussed earlier, since the Election Officer's authority to "supervise" is to be interpreted in its most expansive and proactive meaning, Article XI, §3, and Article XII, §7 are within the Election Officer's authority to "supervise" the election.

Accordingly, the challenges[] to these two rules is denied.

10. Article XIV of the Final Election Rules

The IBT challenges Article XIV of the final election rules, which provides for extraterritorial application of the election rules. This section applies these final election rules to the Canadian IBT locals. The IBT argues that the Canadian locals are separate, autonomous, and distinct legal entities formed and operating under Canadian Law. As a result, the IBT argues that they are beyond the jurisdiction of the Election Officer.³

These arguments by the IBT avoid the substantive issue regarding the Canadian locals—that the Election Officer's authority and hence these rules arise under power reserved for the IBT under its Constitution. These final election rules are applicable to the Canadian locals to the extent that the IBT itself governs the manner in which Canadian locals select delegates to the IBT international convention. Further, since the IBT is subject to United States jurisdiction, its extraterritorial subordinate entities are as well for the purpose of choosing delegates to the international convention. See Smith v. Office and Professional Employees International Union 821 F.2d 255 (6th Cir. 1987).

Accordingly, the IBT's challenge is hereby denied.

III. Enforcement Concerns

The Court remains concerned about the fundamental philosophy of the final election rules—the intention of the Election Officer to allow local unions significant autonomy over the elections for delegates to the international convention, and over the election for international officers. This Court has stated time and again that it expects the Election Officer to fulfill his mandate to "supervise" this election in the most expansive and proactive means possible. These final election rules fall short of this mandate since they do not provide for the Election

Officer to supervise each and every portion of the election process.

The Election Officer, Independent Administrator and IBT contend that these final election rules now strain the limit of acceptable supervision: To go beyond the supervision envisioned by the Election Officer, they argue, would constitute election conduct, rather than supervision. They then differentiate this election from the 1972 UMW election, where that district judge ordered that the United States Department of Labor conduct a rerun election of the disputed 1969 UMW election for president. See Hodgson v. United Mine Workers, et al., supra.

Amici Association for Union Democracy (AUD) and TDU—as well as the Government in its letter of May 14, 1990 on Application X—view "supervise" as going beyond that promoted by the Court Officers, or IBT. AUD and TDU ask this Court to reaffirm its earlier broad interpretation of the scope of the Election Officer's duty to "supervise" the election. See October 18, 1989 Opinion, supra, 723 F. Supp at 206-09. AUD and TDU submit that this Court should authorize the Election Officer to "supervise" this election in a similar fashion to the 1972 UMW election.

For the purpose of determining the limits of "supervision" in the context of this election, comparisons to the 1972 UMW election are of limited relevance. In this matter, ¶F.12.(D) of the Consent Decree specifically empowered the Election Officer to "supervise" the 1991 election, and the parameters of supervision must be determined from the context of this case. The supervision in this election must indeed be expansive and proactive.

The final election rules leave many critical election functions to the officers of local unions. This situation is unacceptable, since these same officers who will be conducting the elections for the international convention will have great personal stakes in the election's outcome. In order for these elections to accomplish their mission, the rank and file must have confidence in the election process.

Complete supervision of all facets of the election process is the only way to guarantee the integrity of the elections and encourage extensive rank and file participation. To that end, the Election Officer must oversee each and every facet of this election in order to prevent any possibility of fraud, coercion, intimidation, harassment, or threat in any of its varied forms. While the Election Officer has commented that he will consider the "the history of prior proceedings alleging improper election conduct" in determining the proper amount of supervision, this subjective determination is insufficient. Locals where members are intimidated or reluctant to lodge protests may be inadequately safeguarded.

Hue and cry about the costs of such supervision is disingenuous, since it disregards the cost effectiveness of reform that will be felt across the board of this country's commerce. At the same time it would be myopic to ignore the costs mounted by the IBT in expensive litigation without regard to an understanding that a spirit of cooperation would have been a much better course to pursue.

SEPTEMBER 1990

³ The IBT also reiterates its belief that its American subordinate entities are separate and autonomous and beyond the scope of these rules.

At this point, one might recall the occasion when the Consent Decree was signed, the pledges of cooperation made by Mr. Grady, and the hopes expressed that the IBT would reform and rid itself of the corrupt influences which year after year have sullied and tainted its membership. We agreed that it was long past due the time when this union should be returned to its membership by free and open elections. The cost of democracy is high at every level of society, but few would doubt its worth. As for the membership, they must remember the price of reform is eternal vigilance.

IV. Conclusion

Accordingly, this Court hereby orders that the listed provisions of the final election rules be amended as follows:

Article I shall be amended so that the phrase "only to the extent permitted by these election rules" is added at the end of the first sentence of the third paragraph.

Article II, §2(b) shall be amended so that the following functions are to be determined by the Election Officer and not the Local Union:

 $\S(b)(4);$

§(b)(5);

 $\S(b)(6);$

Article II, §8(g) shall be amended so that reference to "Local Union" shall be replaced by "Election Officer."

Article V, §1(a) shall be amended so that "to the extent permitted by these rules" be added to the end of the first sentence.

Article VI, §4(a)(1) shall be amended so that reference in the first sentence to "Secretary-Treasurer of his/her Local Union" shall be replaced by "Election Officer." Reference to "Local Secretary-Treasurer" in the third sentence shall be replaced by "Election Officer."

Article VI, §4(a)(3) shall be amended so that reference to "Secretary-Treasurer of the candidate's Local Union" shall be replaced by "Election Officer."

The Election Officer shall amend Article VIII, §2(a) to provide (1) that the IBT prepare a current membership list before September 1, 1990, (2) transfer that list to the Election Officer, (3) The Election Officer is authorized to release a copy of the appropriate membership list to an accredited candidate 30 days before the date of an election, (4) in order to obtain a copy of the membership list, the accredited candidate must submit an affidavit averring that he would not permit inspection or copying of the list to any other third parties. A violation of this order would be punishable by contempt.

Article XII, §1(b) shall be deleted in its entirety and amended so that section reads "The election shall be conducted by means of a standard type of election mechanical device only."

Article XII, §1(c) shall be amended so that all references to "local election committee member(s)" be replaced by "Election Officer." Article XII, §1(c) shall further be amended in accordance with amended Article XII, §1(b).

Article XII, §1(e) shall be amended so that reference to

"member of the Local election committee" be replaced by "Election Officer."

Un

Sou

Th

Article XII, §1(f) shall be amended so that reference to "election committee" be replaced by "Election Officer."

Article XII, §\$2(b)(1) and 2(b)(2) shall be amended so that reference to the "Local Secretary-Treasurer" be replaced by "Election Officer."

Article XII, §2(b)(4) shall be amended so that reference to "Local Union" be replaced by "Election Officer."

Article XII, §2(b)(6) shall be amended with the following clause added after the last word "by the Election Officer."

Article XII, §§3(c)(1), (c)(3), shall be amended so that "Local Secretary-Treasurer" be replaced by "Election Officer." Reference to "Local Union" shall be replaced by "Election Officer."

Article XII, §§3(c)(5), (c)(6) shall be amended so that "Local Union" be replaced by "Election Officer."

Article XII, §§3(c)(8) and 3(c)(10) shall be amended to have the phrase "by the Election Officer" added after the last word.

Article XII, §5 shall be amended so that all ballots are counted by the Election Officer.

Article XII, §6 shall be amended so that "Secretary-Treasurer of the Local Union" be replaced by "Election Officer."

It is hereby ordered that all other rules are adopted to the extent consistent with this order.

It is hereby ordered that all subordinate entities of the International Brotherhood of Teamsters, including all locals, joint conferences, and area conferences, are hereby bound by these election rules, effective immediately.

It is further ordered that these rules shall be enforceable upon pain of contempt.

So Ordered.

Dated: July 10, 1990

New York, New York

U.S.D.J.

(th

cip

of

De

by

of

th

United States District Court Southern District of New York

MEMORANDUM & ORDER 90 CIV. 1226 (DNE)

Theodore R. Cozza,
Plaintiff,
-against:

Frederick B. Lacey, et al., Defendants,

ce

at

by

at

to

re

to

United States of America, Intervenors.

Appearances: OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Peter Sprung, Assistant United States Attorneys, of counsel, for intervenors United States of America:

CHARLES M. CARBERRY, Investigations Officer, New York, New York, and Robert W. Gaffey, of counsel;

ANDERSON, KILL, OLICK & OSHINSKY, P.C., New York, New York, Jordan Stanzler, of counsel (JUBELIRER, PASS & INTRIERI, Joseph J. Pass, of counsel) for plaintiff Theodore Cozza.

EDELSTEIN, District Judge:

This memorandum arises out of plaintiff's July 10, 1990 motion for a preliminary injunction in the instant suit, an action related to *United States v. International Brotherhood of Teamsters et al.*, 88 Civ. 4486 (the "underlying suit"). For the reasons to be discussed, plaintiff's motion is denied.

I. Background

The underlying suit was brought on June 28, 1988, charging defendants International Brotherhood of Teamsters (the "IBT"), members of its General Executive Board, (the "GEB") and others with civil RICO violations, principally facilitating La Cosa Nostra's continuing influence over the IBT. The underlying suit was settled by the entry of a consent order on March 14, 1989 (the "Consent Decree"). The Consent Decree created a remedial scheme by amending selected election and disciplinary provisions of the IBT constitution. The Consent Decree provided for the appointment of three Court Officers to oversee its implementation, the Independent Administrator, the Election Officer, and Investigations Officer.

At the time of the filing of the underlying suit, Cozza was a member of the GEB, and ultimately a signatory to the Consent Decree. Defendant Lacey is the Court appointed Independent Administrator; defendant Carberry is the Court appointed Investigations Officer. Lacey and Carberry's authority derives from changes in the IBT constitution agreed to by the defendants to the underlying suit, the IBT and GEB and others enumerated in the Consent Decree.

Plaintiff's motion seeks to (1) enjoin Independent Administrator Lacey from hearing disciplinary charges filed against him by Carberry; or (2) require Investigations Officer Carberry to provide Cozza with extensive discovery on the particulars of the charges against him.

II. Discussion

At heart, Cozza's motion for a preliminary injunction seeks to prevent the Independent Administrator from holding a scheduled July 14, 1990 hearing on charges filed by the Investigations Officer. The charges filed by the Investigations Officer allege that Cozza knowingly associated with organized crime figures in violation of Article II, §2(a) of the IBT constitution ("§2(d)") which bars conduct that would "bring reproach upon the union." In sum, the charges allege that Cozza associated with organized crime figures when an international vice president of the IBT—bringing reproach upon that union.

In this circuit, it is well settled that the standard for issuing a preliminary injunction is a showing of (a) irreparable harm and (b) either (1) likelihood of success on the merits or (2) sufficiently serious questions going to the merits to make them fair ground for litigation and a balance of hardships tipping decidedly towards the plaintiff requesting the preliminary injunctive relief. Since Cozza cannot demonstrate that he stands to suffer any irreparable harm, his motion for a preliminary injunction must be denied.

Specifically, Cozza argues that the charges filed by the Investigations Officer alleging violations of §2(d) transgress his rights under the United States Constitution by (1) denying him his freedom of association, and (2) violating his due process rights by being overly vague. Cozza further contends that his facing these charges violates his rights under (3) the Labor Management Reporting and Disclosure Act," ("LMRDA"), 29 U.S.C. §411(a)(5)(A) to "written specific charges," and (4) his rights under the IBT constitution. At argument, Cozza contended that (a) the lack of specificity of the charges, and (b) incomplete prehearing discovery constituted his irreparable harm.

At the outset, the Court observes that Cozza's instant motion for a preliminary injunction involves issues remarkably similar to those previously raised by former GEB member and Consent Decree signatory Harold Friedman. Friedman unsuccessfully moved this Court to enjoin a pending disciplinary hearing on charges filed by the Investigations Officer to be heard by the Independent Administrator. In its November 2, 1989 Memorandum and

Order (the "November 2, 1989 Memorandum"), 725 F. Supp. 162 (S.D.N.Y. 1989), aff'd on other grounds (2d Cir. June 1, 1990), this Court specifically ruled that because under the Consent Decree charged IBT members had an automatic right to seek review of a decision by the Independent Administrator "no IBT member with a similar hearing pending faces irreparable harm." Id. at 169. In the November 2, 1989 memorandum, this Court stated that "a pending hearing before the Independent Administrator does not constitute irreparable harm to Friedman, Hughes, or any future IBT member similarly situated." Id.

Cozza's attempt to differentiate his situation from that faced by Friedman is a distinction without a difference, and savages the logic of this Court's decisions in that matter. See November 2, 1989 Memorandum, supra, 725 F. Supp. 162. Cozza's current situation is indistinguishable from that faced earlier by Friedman. Cozza has argued that his situation differs from Friedman's since irreparable harm may inure from alleged constitutional violations in the process followed by the Court Officers. But like Friedman, in this instance Cozza has suffered no deprivation, either alleged or actual. In the event that the Independent Administrator should rule adversely, Cozza automatically may appeal that determination to this Court pursuant to ¶F.12.(A) of the Consent Decree. At that time, Cozza may then petition this Court to overturn the Independent Administrator's ruling. Indeed, Cozza has not put forth a single argument in support of this injunction that he could not validly raise in a later appeal of the decision of the Independent Administrator to this Court.

Cozza's substantive argument, that the charges are too inspecific for him to properly prepare a defense, was similarly considered in the Friedman and Hughes matter. There, this Court held that challenges to the specificity of charges are properly brought on a member's appeal of a decision by the Independent Administrator pursuant to ¶F.12.(A) of the Consent Decree. March 8, 1990 Opinion and Order, 725 F. Supp. 506, 517 (S.D.N.Y. 1990), aff'd (2d Cir. June 1, 1990).

Cozza faces a disciplinary hearing before the Independent Administrator. At this point, harm is merely speculative since the charges have not been substantiated against him. The Independent Administrator has made no determination on the charges. No punitive penalties have been imposed on Cozza. In sum, Cozza faces no cognizable irreparable harm from the July 14, 1990 hearing before the Independent Administrator.

Further, it is disingenuous for Cozza to now argue that prosecution under the remedial scheme which he specifically assented to deprives him of any rights. In this instance, Cozza faces the equivalent of an internal union disciplinary proceeding on charges that as a member of the GEB, he violated a provision of the IBT constitution by knowingly associating with organized crime figures. Indeed, the Consent Decree actually vests IBT members wih a right of review of the internal disciplinary proceedings beyond that mandated by the LMRDA, 29 U.S.C. §401 et seq..

The timing of Cozza's motion for a preliminary injunction further reveals its speciousness. The Investigations Officer filed these disciplinary charges against Cozza in September of 1989. Cozza petitioned the Independent Administrator for further specificty in the charges in November of 1989, which the Independent Administrator denied. Yet, Cozza waited until February of 1990 to commence the instant action, and two weeks before the July 14, 1990 hearing to file this motion. Such actions belie any claims of irreparable harm.

Cozza identifies numerous flaws with the Investigation[s] Officer's charges, and asserts that his facing such charges transgresses his Constitutional rights. In order for Cozza to be deprived of his Constitutional rights, he must demonstrate that the Court Officers are government actors whose authority is limited by the Constitution. The parties submissions on this matter generated much discourse over whether the Consent Decree's remedial scheme constitutes state action. Since such a determination is unnecessary to decide the instant motion, this Court will refrain from determining this question.

Further, Intervenor United States of America moves this Court to (1)(a) dismiss the complaint by failure to state a claim on which relief may be granted or (b) grant the Government summary judgment; (3) consolidate this action with the underlying suit; and (4) for sanctions against Cozza. These motions will not be considered in this memorandum.

III. Conclusion

For the reasons stated above, it is hereby ordered that plaintiff's motion for a preliminary injunction is denied. So Ordered.

Dated: July 10, 1990 New York, New York.

John Jone Care Che U.S.D.J.

United States District Court Southern District of New York

inc-

ons in

in

ator

to

the

ons

ga-

ach

der

he

ent

The

dis-

me

1 15

will

ves

to

ant his

ons

MEMORANDUM & ORDER 90 CIV. 0845 (DNE)

Paper Products and Miscellaneous Drivers, Warehousemen, Helpers and Messengers, Local 27,

Plaintiff,

-against-

International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of
America, and Charles M. Carberry,
Investigations Officer,
Defendants.

EDELSTEIN, District Judge:

Plaintiff filed this action, related to *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (DNE) (the "underlying suit") seeking injunctive and declaratory relief. Defendant Carberry cross-moved to dismiss the complaint pursuant to Fed. R. Civ. Pro. 12(b)(6). For reasons to be discussed below, defendant's cross-motion is granted.

I. Background

The underlying suit was brought on June 28, 1988, charging the International Brotherhood of Teamsters (the "IBT"), members of its General Executive Board (the "GEB"), and others with civil RICO violations, principally facilitating La Cosa Nostra's continuing influence over the IBT. The underlying suit was settled by entry of a consent order dated March 14, 1989 (the "Consent Decree"), which created a remedial scheme by amending certain election and disciplinary provisions of the IBT constitution. The Consent Decree provided for the appointment of three Court officers to oversee its implementation; the Independent Administrator, the Election Officer, and the Investigations Officer. Instant plantiff Local 27 is a subordinate entity of the IBT. Instant defendant Carberry is the court appointed Investigations Officer.

On December 4, 1989, defendant Investigations Officer served upon Local 27 a demand to inspect books and records pursuant to his authority under ¶F.12.(C)(i)(a) of the Consent Decree. On February 8, 1990, Local 27 brought this action and by order to show cause brought a motion to enjoin defendant Investigations Officer from examining its books and records in his capacity as the Court appointed Investigations Officer. Plaintiff's complaint seeks (1) an injunction barring the Investigations Officer from exam-

ining their books and records; and (2) a declaratory judgment that the demand for production violates the IBT constitution.

II. Discussion

It is well-settled in this circuit that in considering a motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(6), the court should view the complaint in the light most favorable to the plaintiff. I have, and find that in this instance, plaintiff's allegations are specifically precluded by determinations of this Court and the Court of Appeals for the Second Circuit regarding the underlying suit. See November 2, 1989 Memorandum and Order, 725 F. Supp. 162 (S.D.N.Y. 1989), aff'd (2d Cir., slip opinion, June 1, 1990); January 17, 1990 Opinion and Order, 728 F. Supp. 1032 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990); March 13, 1990 Opinion and Order, 735 F. Supp. 506 (S.D.N.Y. 1990) aff'd (2d Cir., slip opinion, June 1, 1990); April 9, 1990 Memorandum and Order, 735 F. Supp. 519 (S.D.N.Y. 1990).

In the complaint, plaintiff's two counts are predicated on the assertion that Local 27 is an autonomous body and not bound by the Consent Decree's changes to the IBT constitution. Local 27 contends that it was not a party to the underlying suit, so it cannot be bound by the Consent Decree. As a result, Local 27 argues, the Investigations Officer has no authority to demand any production from Local 27. This argument is baseless considering the specific pronouncements by this Court and the Court of Appeals on the underlying case. See November 2, 1989 Order, supra, aff'd (2d Cir., slip opinion, June 1, 1990); January 17, 1990 Order, supra, aff'd (2d Cir., slip opinion, June 27, 1990); March 13, 1990 Order, supra, aff'd (2d Cir., slip opinion, June 1, 1990); April 9, 1990 Order, supra.

This Court has specifically held that members and subordinate entities of the IBT are bound by the disciplinary provisions of the Consent Decree. See November 2, 1989 Order, supra, 725 F. Supp. at 168–69, aff'd (2d Cir., slip opinion, June 1, 1990); see also January 17 Order, supra, 728 F. Supp. at 1048–1057, aff'd (2d Cir., slip opinion, June 27, 1990). Further, the Court of Appeals for the Second Circuit upheld this Court's determination that the disciplinary provisions of the Consent Decree were binding on the entire IBT, including subordinate entities that were non-parties to the underlying suit. See (2d Cir., slip opinion, June 1, 1990 at 32).

The IBT defendants in the underlying suit had the power under Article XXVI, §2, of the IBT constitution to make the Consent Decree's disciplinary changes a part of the IBT constitution. See id. at 31–32; see also January 17 Order, supra, 728 F. Supp. at 1056–57. The Court of Appeals ruled that "the IBT merely exercised its discretionary authority under the [IBT] constitution to delegate the investigation and discipline of union misconduct to the court-appointed officers." (2d cir., slip opinion, June 1, 1990 at 32) The legitimacy of the Consent Decree's disciplinary provisions is beyond doubt. Local 27 is bound by the disciplinary provisions of the Consent Decree, including the power of the Investigations Officer to examine its books and records pursuant to ¶F.12.(C)(i)(a).

Court Orders (continued)

As a result, Local 27's complaint does not state a cause of action upon which relief may be granted.

III. Conclusion

For the reasons discussed above, the Investigations Officer's motion to dismiss the complaint is granted. It is hereby ordered that the complaint be dismissed with prejudice.

So Ordered.

Dated: July 20, 1990-

New York, New York

/s/ haz Eauch

United States District Court Southern District of New York

MEMORANDUM & ORDER 90 CIV. 1475 (DNE)

Joint Council 73, et al., Plaintiff,

-against-

International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of
America, and Charles M. Carberry,
Investigations Officer,
Defendants.

Appearances: CHARLES M. CARBERRY, Investigations Officer, New York, New York, Robert W. Gaffey, of counsel;

GUAZZO, PERELSON, RUSHFIELD & GUAZZO, New York, New York, Mark C. Rushfield, Caesar C. Guazzo, Delia M. Guazzo, of counsel, for Joint Council 73 and Local 641.

EDELSTEIN, District Judge:

Plaintiff filed this action, related to *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (DNE) (the "underlying suit") seeking injunctive and declaratory relief. Defendant Carberry moved to dismiss the complaint pursuant to Fed. R. Civ. Pro. 12(b)(6). For

reasons to be discussed below, defendant's motion is granted.

pla

Inv

rec

for

wit

II.

the

ins

16

19

op Or

sli

or

De

th

1

T

I. Background

The United States of America (the "Government") brought the underlying suit on June 28, 1988, charging the International Brotherhood of Teamsters (the "IBT"), members of its General Executive Board (the "GEB"), and others with civil RICO violations, principally facilitating La Cosa Nostra's continuing influence over the IBT. The underlying suit was settled by entry of a consent order dated March 14, 1989 (the "Consent Decree"), which created a remedial scheme by amending certain election and disciplinary provisions of the IBT constitution. The Consent Decree provided for the appointment of three Court officers to oversee its implementation; the Independent Administrator, the Election Officer, and the Investigations Officer. Instant plaintiffs Joint Council 73 and Local 641 are subordinate entities of the IBT. Instant defendant Carberry is the court appointed Investigations Officer.

The instant matter has an involved procedural history. On December 4, 1989, defendant Carberry, in his capacity as the court-appointed Investigations Officer, served upon Joint Council 73 and Local 641 demands to inspect their respective books and records pursuant to his authority under ¶F.12.(C)(i)(a) of the Consent Decree. On December 8, 1989, plaintiffs brought this action in United States District Court for the District of New Jersey (the "New Jersey court") to enjoin the Investigations Officer from examining their books and records.

On December 15, 1989, the Government requested and this Court issued a temporary restraining order pursuant to the All Writs Act, 28 U.S.C. §1651, barring the plaintiffs from prosecuting the instant action in any forum other than the Southern District of New York. On January 17, 1990, this Court issued an opinion and order permanently enjoining any litigation concerning the Consent Decree in any forum other than the Southern District of New York. See January 17, 1990 Opinion and Order, 728 F. Supp. 1032, 1039 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990).

The instant plaintiffs neither dismiss[ed] their suit in the New Jersey court nor transfer[r]ed that action to the Southern District of New York. See January 17 Order, supra, 728 F. Supp. at 1058, aff'd (2d Cir., slip opinion, June 27, 1990). On December 14, 1989, the Investigations Officer moved the New Jersey court to transfer the instant case to the Southern District of New York. On December 20, 1989, the New Jersey court stayed that motion pending the outcome of the All Writs Act litigation before this Court. On January 18, 1990, the Investigations Officer informed the New Jersey court of this Court's January 17, 1990 Order. On February 15, 1990, the New Jersey court granted the Investigations Officer's motion to transfer venue to this Court.

On April 2, 1990, the Investigations Officer filed the instant motion to dismiss plaintiffs' complaint in its entirety. Plaintiffs opposed the instant motion, and moved for recusal pursuant to 28 U.S.C. §455(a). In a Memoran-

dum and Order dated April 2, 1990, this Court denied plaintiffs' recusal motion.

Plaintiffs' complaint seeks (1) an injunction barring the Investigations Officer from examining their books and records; and (2) a declaratory judgment that the demand for production under ¶F.12.(C)(i)(a) violates the IBT constitution and that plaintiffs are not obligated to comply with the discovery requests.

II. Discussion

und

ing

he

der

ich

ion

he

ree

de-

he

73

ant

ns

ry.

ity

on

eir

ity

er

WS

m

nd

nt

ffs

F.

in

n,

15

nt

ıg

It is well-settled in this circuit that in considering a motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(6), the court should view the complaint in the light most favorable to the plaintiff. I have, and find that in this instance, plaintiffs' allegations are specifically precluded by determinations of this Court and the Court of Appeals for the Second Circuit regarding the underlying suit. See November 2, 1989 Memorandum and Order, 725 F. Supp. 162 (S.D.N.Y. 1989), aff'd (2d Cir., slip opinion, June 1, 1990); January 17, 1990 Order, supra, aff'd (2d Cir., slip opinion, June 27, 1990); March 13, 1990 Opinion and Order, 735 F. Supp. 506 (S.D.N.Y. 1990) aff'd (2d Cir., slip opinion, June 1, 1990); April 9, 1990 Memorandum and Order, 735 F. Supp. 519 (S.D.N.Y. 1990).

In the complaint, plaintiffs' two counts are predicated on the assertion that Joint Council 73 and Local 641 are autonomous entities and not bound by the Consent Decree's changes to the IBT constitution. Plaintiffs content that they were not parties to the underlying suit, so they cannot be bound by the Consent Decree. As a result, plaintiffs argue, the Investigations Officer has no authority to demand any production. Further, plaintiffs argue that \(\precent \text{F.12.(C)(i)(a)} \) of the Consent Decree violates the IBT constitution.

constitution.

Plaintiffs cannot in good faith claim that they are not bound by the disciplinary portions of the Consent Decree. This assertion contravenes specific rulings by this Court that all members and subordinate entities of the IBT are bound by the disciplinary provisions of the Consent Decree. See November 2, 1989 Order, supra, 725 F. Supp. at 168–69, aff'd (2d Cir., slip opinion, June 1, 1990); see also January 17 Order, supra, 728 F. Supp. at 1048–1057, aff'd (2d Cir., slip opinion, June 27, 1990); April 9, 1990 order, supra. The Court of Appeals for the Second Circuit upheld this Court's determination that the disciplinary provisions of the Consent Decree were binding on the entire IBT, including subordinate entities that were non-parties to the underlying suit. See (2d Cir., slip opinion, June 1, 1990 at 32).

The IBT defendants in the underlying suit had the power under Article XXVI, §2, of the IBT constitution to make the Consent Decree's disciplinary changes—including ¶F.12.(C)(i)(a)—a part of the IBT constitution. See id. at 31–32; See also January 17 Order, supra, 728 F. Supp. at 1056–57. The Court of Appeals ruled that "the IBT merely exercised its discretionary authority under the IBT] constitution to delegate the investigation and discipline of union misconduct to the court-appointed officers." (2d cir., slip opinion, June 1, 1990 at 32). The legitimacy of the Consent Decree's disciplinary provisions is beyond doubt.

By their own constitutions, both Joint Council 73 and Local 641 must accede to valid provisions of the IBT constitution. See Article XXI, By-Laws of Joint Council 73; Article XXIV, Constitution and By-Laws of Local 641. Plaintiffs are obligated to comply with the disciplinary changes of the Consent Decree because the IBT has the power to investigate and discipline all portions of the IBT. Indeed, the IBT's own position is that paragraph F.12.(C)(a)(i) of the Consent Decree requires its subordinate entities to allow the Investigations Officer access to their books and records. The IBT wrote this Court that "Paragraph 12.(C)(i) of the Consent Order authorizes the Investigations Officer to have access to information which may be in the possession of the IBT or its members ..." Response of IBT to Application IX of the Independent Administrator, February 1, 1990, at 1.

Each of plaintiffs' other contentions in opposition to the instant motion raise issues that have also previously been decided by this Court. Plaintiffs argue that under Martin V. Wilks, 109 S.Ct. 2180 (1989), since they were not joined as indispensable parties to the underlying suit. they cannot be bound by the Consent Decree. This argument was twice rejected by this Court, see November 2, 1989 Order, supra, 725 F. Supp. at 168-69; January 17 Order, supra, 728 F. Supp. at 1048-56, and by the Court of Appeals (2d Cir., slip opinion, June 1, 1990 at 30-32). As a related argument, plaintiffs contend that this Court's failure to join the subordinate entities as indispensable parties precludes their being bound by the Consent Decree. This argument was similarly rejected in the January 17, 1990 Order. See January 17, 1990 Order, supra, 728 F. Supp. at 1049–50, aff'd (2d Cir., slip opinion, June 27, 1990).

Finally, plaintiffs' argument that the December 4, 1989 demand for production was beyond the scope of that authorized by the IBT constitution is meritless. The production demand by the Investigations Officer was within the scope of ¶F.12.(C)(i)(a) of the Consent Decree, which authorizes the Investigations Officer to examine the "books and records of the IBT and its affiliates."

As made clear by this review of previous court rulings and plaintiffs' arguments, plaintiffs are bound by the disciplinary provisions of the Consent Decree, including the power of the Investigations Officer to examine its books and records pursuant to ¶F.12.(C)(i)(a). As a result, plaintiffs' complaint does not state a cause of action upon which relief may be granted.

III. Conclusion

For the reasons discussed above, the Investigations Officer's motion to dismiss the complaint is granted. It is hereby ordered that the complaint be dismissed with prejudice. The stay of discovery is hereby dissolved.

So Ordered.

Dated: July 23, 1990

New York, New York

/s/ haz Ease (h.

Court Orders (continued)

United States District Court Southern District of New York

ORDER
88 CIV. 4486 (DNE)

United States of America,
Plaintiff,

-v:
International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of
America, AFL-CIO, et al.,
Defendants.

EDELSTEIN, District Judge:

On July 10, 1990, this Court issued an Opinion and Order (the "July 10, 1990 order") in the instant case approving the final election rules for the International Brotherhood of Teamsters ("IBT") 1991 election for International Officers. On July 30, 1990, the IBT submitted motion papers to the Court pursuant to Fed. R. Civ. Pro. 62 and Fed. R. App. Pro. 8, seeking a stay of a portion of the July 10, 1990 order. The IBT set August 14, 1990 as the return date on the instant motion.

The IBT asks this Court to stay the portion of its July 10, 1990 order that amended Article VII[I], §2(a) of the final election rules to required[] the IBT to prepare a current membership list before September 1, 1990 and transfer that list to the Election Officer. I have considered the submissions and the oral argument in connection with this motion, the application for a stay is denied in all respects.

In this circuit, a stay should issue only if the moving party can meet the following standards:

(a) That the stay applicant has made a strong showing that he is likely to succeed on the merits;

(b) That the applicant will be irreparably injured absent a stay;

(c) That the issuance of a stay will substantially injure other parties interested in the proceedings; and

(d) Where the public interest lies. *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

Applying these criteria to the instant application, I find the IBT has failed [to] meet its burden. First, the movants have not made a strong showing that they are likely to succeed on the merits. The IBT has not convinced this Court that the determination of IBT misuse of its membership lists is incorrect. The authority cited by the IBT

Court that the determination of IBT misuse of its membership lists is incorrect. The authority cited by the IBT for this proposition, *Conley v. Aiello*, 276 F. Supp. 614 (S.D.N.Y. 1967), was specifically considered and distinguished by this Court in the July 10, 1990 order. *See* July 10, 1990 order at 15–21. On the merits, there is no reason

to repeat this Court's earlier reasoning. See id. Further, the parties raise serious questions as to whether the challenged portion of the July 10, 1990 order is even appealable.

Second, and most importantly, I find that the movants face no irreparable harm from the preparation of the membership list. As a preliminary matter, the timing of the IBT's application for a stay belies any claim of irreparable harm. The mandate that ordered the IBT to prepare the list was issued July 10, 1990. The IBT waited virtually three full weeks—until July 30, 1990—to serve the instant motion papers. And even then, the IBT set a date two weeks hence—August 14, 1990—as the return date on the instant motion. After their own delay, the IBT then had the audacity to argue that unless the stay is granted, they will effectively be denied review of the July 10, 1990 order since the membership list must be completed by September 1, 1990. The IBT could have asked this Court for a stay immediately after the July 10, 1990 Order was issued. Given their own delay, it is difficult to imagine that the IBT faces irreparable harm.

Further, the IBT's argument that the mere preparation of the membership list constitutes irreparable harm is similarly unconvincing. The IBT must only prepare the membership list and submit it to the Election Officer by September 1, 1990. While the Election Officer is authorized to release this list to accredited candidates, no candidate has of yet even applied for accreditation. There is no impending release of the membership list to anyone other than the Court-appointed Election Officer. Further, even after a release, a candidate's misuse of the released list is punishable upon pain of contempt. The Court believes this is sufficient deterrent to a candidate's misuse.

The third criteria is whether staying the ruling will cause injury to any other interested party. Granting a stay pending appeal would prejudice candidates who petition the Election Officer for accreditation during the petition period from July 1, 1990 to December 14, 1990. Also, a stay would prejudice the IBT membership and the Government by delaying electoral reform.

Finally, the public interest lies squarely against the issuance of a stay and in promoting democratic, secret ballot elections. This stay application simply continues the IBT's unabated pattern of resistance and obdurate opposition to democracy. Over the years, the IBT has been tarnished with a patina of corruption, and actions to clear this troubled past by promoting a fair election seem squarely in the interest of IBT officials, the IBT rank and file, and the public in general.

Accordingly, the petition for a stay is hereby denied.

So Ordered.

Dated: August 1, 1990 New York, New York.

York.
/s/ Lug-z Eage Che
U.S.D.J.

1990-91 SCHOLARSHIPS

For high school seniors who are sons and daughters of Teamster members.

her, the

the g of of to ited

erve et a

urn IBT v is

uly omked

990 to

ion is the

by

no ner

en t is

ves

vill tay

on on

, a ov-

he ret

ies ate

ear

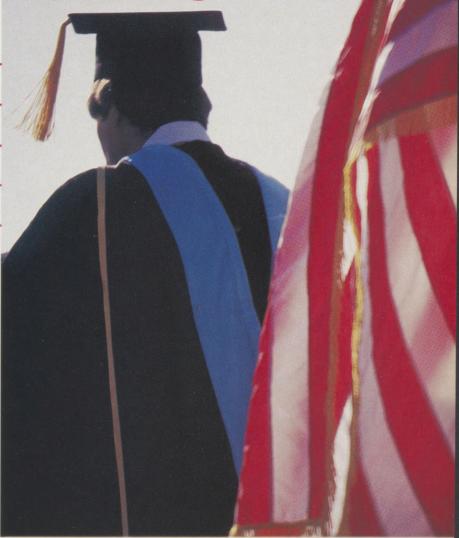
m

ER

The competition is open to sons and daughters of active, retired, disabled, deceased or recently laid-off Teamster members. Student must be a high school senior, and be in the top 15 % of his/her class. Student must submit high SAT or ACT test scores. Student must show financial need. Dependents of union officers or employees may not apply. The deadline for the completed application is December 15, 1990 and for any other additional

requirements

March 15, 1991.



Mail in form below for your application now!

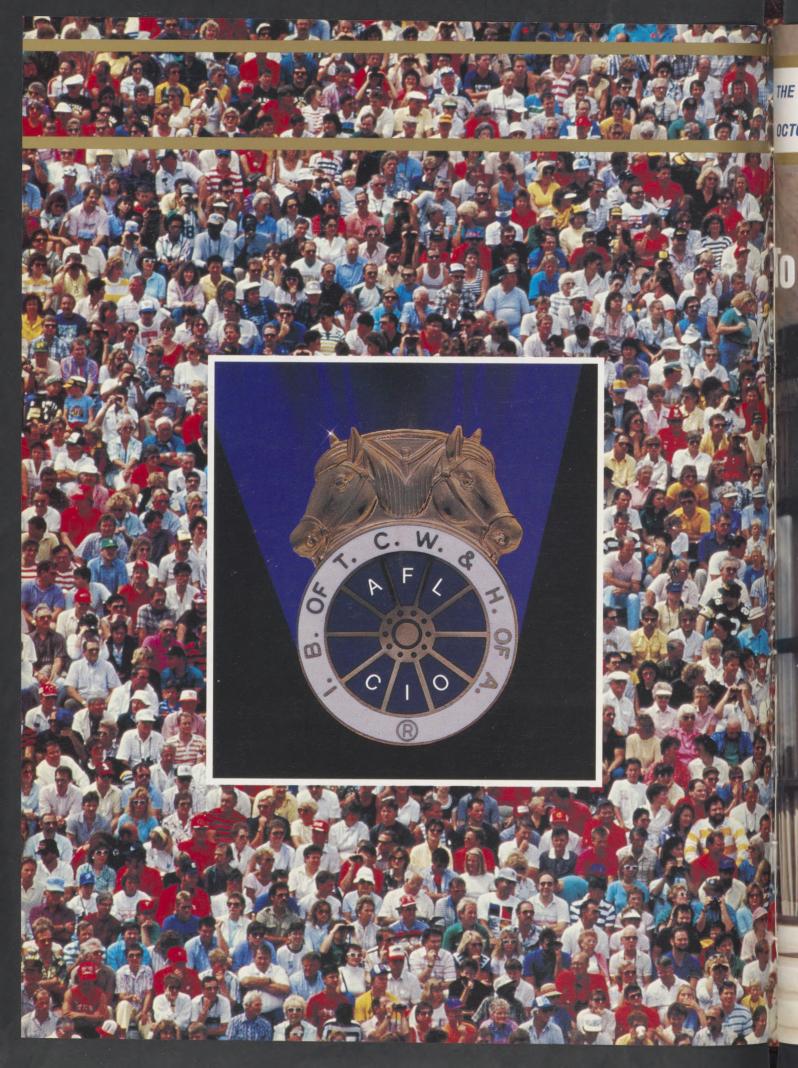
International Brotherhood Of Teamsters Scholarship Fund

I have read the eligibility requirements above and would like to apply for a scholarship. Please send me an application. After receiving my application, I will complete it and mail it to my Teamster parent's local union.

Name:	
Address:	
City/State/Zip:	

25 Louisiana Avenue, N.W., Washington, D.C. 20001

International Brotherhood Of Teamsters



THE INTERNATIONAL

OCTOBER 1990

TEANSTER



Teamsters Show Their Colors

Support U.S. Troops and Hostages

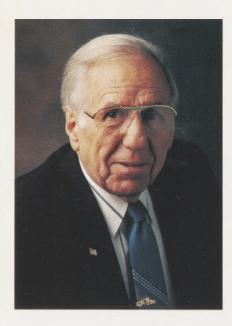
TEAMSTERS SUPPORT

AMERICAN

TROOPS AND HOSTAGES

I.B.T. Headquarters, Washington, D.C.

THE PRESIDENT'S MESSAGE



n conversations with Teamster members across the U.S., I am hearing the growing frustrations of workers who are angry about America's loss of economic power in the world. I am angry too.

I am fed up with foreign interests increasingly buying up U.S. industries, financial institutions, and real estate. I am fed up with corporations shifting production overseas and failing to reinvest in plants and equipment that will keep Americans working at good jobs. I am fed up with seeing economic decisions made thousands of miles away in Asia and Europe that affect our jobs, our families, and our communities.

It is time to do something about our anger. As Americans, we have the opportunity to change things by making sure that all working people are registered to vote and turn out at the polls on election day.

We can make a difference. We have seen the great accomplishments of workers around the world, who, in the face of great odds,

banded together to change their governments and improve their lives. Our elections offer the opportunity to put the interests of working people and their families at the forefront of the nation's political agenda, and to restore America as the number one economic power in the world.

Take the time to find out where the candidates stand on important issues. Only those who are willing to fight for good jobs, affordable health care, fair taxes, and guarantees for union members to exercise their right to strike are worthy of our support.

DRIVE, the Teamsters' political action committee, will be working to promote candidates who understand our needs at federal, state, and local levels. Find out which candidates your local union is supporting and volunteer to help their campaigns. I also strongly encourage everyone to stay involved in Teamster political activities by becoming a contributing member of the DRIVE program.

On the international scene, the members of the IBT's General Executive Board joined together to declare support for "our nation, our troops, and our fellow citizens taken hostage," in the Persian Gulf crisis. We took out full-page advertisements in major newspapers across the country on Labor Day to recognize those who could not celebrate our national holiday honoring working people and the labor movement.

The entrance to the International headquarters building has been draped in blue and yellow ribbons in honor and support of the hostages and U.S. forces.

Fully aware that these gestures alone will not bring the Americans home, we nonetheless wanted to "demonstrate to the world that we are committed to our fellow citizens, and determined to achieve our urgent mission overseas."

Gen Exe Boa WIL

Gene 25 L Wash WE

Gene 25 L Wash

JOS First 265 New JOS Seco 1250 Hall

In this issue of The International Teamster, you will find campaign materials submitted by "accredited candidates" for General President and other positions on the General Executive Board, Courtappointed Election Officer Michael H. Holland declared in a recent letter that, "... There shall be no direct or indirect editorial comment made anywhere in the October edition of the magazine on the materials submitted by accredited candidates. Such editorial comment shall not occur by any journalistic means or method, including the location in the magazine of accredited candidates' material, by the material that is placed next to or near accredited candidates' material, by direct editorial comment, or any other method. Should any such editorial comment occur, I will not hesitate to impose remedies available to me under the Rules for the IBT International Union Delegate and Officer Election and/or to suggest that Independent Administrator Frederick B. Lacey seek appropriate sanctions, including contempt, before the United States District Court for the Southern District of New York."

Fraternally,

William J. McCarthy General President

TEAMSTER TEAMSTER

DEDICATED TO SERVICE
Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



an-

IC-

on

rt-

iel

nt

20

n-

C-

m c-

al

u

2-

s'

is

ed

1-

27

u

e

0

T

ıd

st

i-

General Executive Board

WILLIAM J. McCARTHY
General President
SE Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
255 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009
EDWARD LAWSON

Third Vice President
29260 Taylor Rd.
Mt. Lehman, B.C., Canada VOX 1V0
ARNIE WEINMEISTER
Fourth Vice President
553 John Street, Room 28
Seattle, Wash, 98109

WALTER SHEA
Fifth Vice President
55 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President
50 Bagby Drive
Birmingham, Alabama 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwis St., Suite 1903
Pittsburgh, Pa. 15222

Pitsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
FRANCIS W. HACKETT
Eleventh Vice President
544 Main Street
Boston, Mass. 02129
R.V. DURHAM
Twelfth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans, Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street
Wyandotte, Michigan 48192
JACK B. YAGER

Trustees
BEN LEAL
185 BERRY St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Beacon St., Suite 501
Boston, Massachusetts 02215
HAROLD J. YATES
320 University Avenue, W.
St. Paul, Minnesota 55103

Fifteenth Vice President 8801 E. 63rd Street—Suite 208 Kansas City, Missouri 64113 October 1990

Volume 87, No. 10

- 2 Eastern Conference Meets
 14th annual conference held
- 4 Bakery Division Holds Session Industry leaders gather in Florida
- 6 Teamsters Join Fight against Drugs
 Maryand members launch pilot "Just Say No"
 program
- 8 Airline Division Wins USAir Decision
 New election ordered by National Mediation
 Board
- 10 IBT Awarded Grant for OSHA Training Training to be held for hazardous waste cleanup workers
- 12 Pan Am Presents New Proposal Teamsters formulating counter offer
- 14 Industrial Trades Division Meets

 Conference focuses on organizing, anti-scab
 legislation
- 17 Key Appointments in Canadian Conference Four leaders named to key posts
- 18 International Officer Candidate Campaign
 Materials
- 20 Report XVI to Teamster Members

 A message from the Independent Administrator
- 26 Order of the Court
 Ruling of Judge Edelstein



2



4



12

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue. N.W. Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs. Warehousemen & Helpers of America, AFL-ClO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Eastern Conference Convenes Meeting: Develops Blueprint for the Future

he 14th conference of the Eastern Conference of Teamsters was held in Hilton Head, South Carolina, August 19-24, with a dynamic theme of challenges to the labor movement in the global economy. General President William J. McCarthy, General Secretary-Treasurer Weldon L. Mathis, and members of the General Executive Board brought greetings to the over 400 delegates and alternates representing some 175 local unions and 12 joint councils throughout the East Coast from South Carolina to Maine

In his keynote address, General President McCarthy discussed the recent UPS negotiations; the status of the consent order; the Overnite campaign; the importance of DRIVE in politics; and the all-important replacement worker legislation pending before Congress. "I urge all of you delegates and alternates as Teamster leaders to call and write members of the House and Senate in Washington, D.C., to urge their sponsorship and support



(From left): General President William J. McCarthy; International Vice Presidents Teddy Cozza and Walter Shea; Joint Council 18, Utica, New York, Secretary-Treasurer Howard Bennett; International Vice Presidents R.V. Durham and Frank Hackett; and Canadian Conference Director Louis Lacroix.

of this major piece of legislation to save labor and protect our right to strike," McCarthy said. On another topic, he urged union members to "practice what we preach—buy American, and buy union. This is what labor is all about."

IBT General Secretary-Treas-

urer Mathis, in his address, emphasized that Teamster delegates to the IBT Convention determine what goes in our constitution. "We already have the best system," Mathis stated, "and our delegates ought to be allowed to make their own decisions." Mathis also expressed the good news that membership has continued to grow, albeit modestly, and has gone up approximately 60,000 members a year. He pointed out that the membership total was better than had been expected following the 1986 Convention.

Be

tic

sic

In

tic

m

ee

M

Si

In his report to the Conference, Policy Committee Chairman Joseph Trerotola, first international vice president and director of the Eastern Conference of Teamsters, highlighted the great challenges facing the membership during a critical time with many changes taking place internally and internationally. "We have much work to do in the coming decade before the end of this century," Director Trerotola told the delegates. "Our primary goal is to protect and expand the rights of working men and women."



The Eastern Conference of Teamsters recently elected its Policy Committee members. Taking the oath of office at a private breakfast meeting are (from left); International Vice President Walter Shea; Secretary-Treasurer of Joint Council 18, Utica, NY, Howard Bennett; International Vice President Teddy Cozza; Eastern Conference Director and International Vice President Joseph Trerotola; International Vice President R.V. Durham; President of Joint Council 73, Union, NJ, Frank Carracino; and Public Employees Trade Division Director Barry Feinstein.

Eastern Conference Secretary-Treasurer and International Vice President Teddy Cozza delivered the financial report of the Conference and highlighted its current status.

In the first day's opening general session, nominations were placed for balloting for the Eastern Conference Policy Committee. Following the nominating process, a secret ballot election was conducted during the afternoon hours resulting in the election of the following members of the Policy Committee: Howard "Whitey" Bennett; Frank Carracino; Theodore "Teddy" Cozza; R.V. Durham; Barry Feinstein; Walter J. Shea; and Joseph Trerotola. An installation of the new officers was held at a Friday morning breakfast session.

Throughout the four-day, intensive working session, numerous seminars and meetings of various divisions were held. They included: Industrial Trades employees; Bakery employees; Office employees; Brewery and Soft Drink employees; Building Material and Construction employees; Airline and Automotive employees; Dairy employees; Public Service employees; Warehouse employees; Over-the-Road and Freight employees; and Miscellaneous workers. These sessions included open dialogue and free-wheeling discussions of problems with new solutions for negotiating settlements and streamlining effective organizing tech-



Delegates listen intently to speakers at the Eastern Conference meeting.

niques. Delegates spoke their minds and participated freely in the discussions with Policy Committee members, General Executive Board members, and with General President McCarthy, who attended most of the sessions.

The Recommendations Committee adopted a resolution, which was unanimously endorsed by the full Conference, to establish committees in the Eastern Conference and the International to organize and coordinate all airline, air freight, and rental car and all other crafts, jobs, and activities. This resolution was offered as a show of support for the USAir fleet service organizing campaign covering 8,400 workers in the U.S. The resolution also supports the Pan Am locals in their struggle to obtain a fair and equitable contract. and it urges the General Executive Board to take appropriate action.



General President McCarthy speaks with delegates.



Delegate and president of IBT Local 804, Long Island City, NY, Ron Carey, speaks out during the week-long conference.



International Vice President and Eastern Conference Director Joseph Trerotola calls the 14th Area Conference session to order. Also at the dais (from left) are General Secretary-Treasurer Weldon L. Mathis and General President William J. McCarthy.



Ernie Tusino, cochairman of the National Automobile Transporters Joint Arbitration Committee, speaks out at a floor microphone.



(From left): International Trustee Robert DeRusha; and International Vice Presidents Mitchel Ledet, Michael Riley, and Don West.

Bakery Conference Convenes Annual Meeting



(Pictured, from left): Don West and Ed Lawson, international vice presidents; Weldon L. Mathis, general secretary-treasurer; Joe Morgan, Sr., director of the Southern Conference of Teamsters; Joe Morgan, Jr., president of the Georgia-Florida Conference; Tony Cannestro, president of Local 769, Miami, FL; Bakery Conference board members Joe Padellaro, Bill Overy, Ed Tyler, and Tim Sullivan.

he Teamsters National Bakery Conference of the USA and Canada held its annual meeting August 5–10 in Hollywood, Florida.

Welcoming the delegates and guests to Florida was Southern Conference Director and International Vice President Joe Morgan, Sr., who conveyed wishes for a successful and productive conference on behalf of Teamsters General President William J. McCarthy. Morgan praised McCarthy's hands-on attention to the UPS negotiations which had consumed much of the General President's time and attention recently.



General Secretary-Treasurer Weldon L. Mathis discussed with Bakery Conference Secretary-Treasurer Tim Sullivan the many advancements the bakery division has made in the past year.

Members Urged To Move Forward

Morgan discussed the difficult times faced by organized labor for over a decade. "We continue to face hostile employers and crippling anti-union sentiments, and I'm not content to stand still in the face of this opposition—we must move forward," he said. "Teamsters have to make progress while under attack by taking stock in what we have already achieved, and then develop strategies for getting this country and the labor movement moving forward again.

"The Teamsters Union has the talent and the resources to be the leader in this rebuilding process, and I believe we can do it. Teamsters will raise the quality of life for working people in this country to the highest level in the world.

"Working families are being squeezed by jobs-destroying imports, corporate takeovers, leveraged buy outs, and by employers lowering workers' wages," Morgan said. "Teamsters will have to fight back in order to restore the ability of working people and their families to achieve the American dream," he challenged the delegates.

The American dream is to own a home, to have health care benefits, and to send children to college, Morgan said, and stressed that he believes two specific approaches help make that dream a reality for working families: organizing and political action. "Teamsters must regain their legal right to strike without being replaced by scabs," he said. "Organizing is fundamental in the Teamsters' efforts to restore living standards and offer hope to American workers. Political action is just as important."

Te

de

Ba

do

at

ar

ac

qu

va

in

re

0

F

In conclusion, the Teamster leader said he felt that organizing and political action are vital to the Union in restoring economic justice for workers and in providing a better life for their families.



Richard Volpe, secretary-treasurer of Teamsters Local 550, New Hyde Park, NY, addressed the delegates about on-board computers.



Anthony Catenaro, secretary-treasurer of Teamsters Local 194, Union, NJ, speaks out at the conference about the current developments in the baking industry within the New Jersey area.

Also addressing delegates at the Bakery Conference was Teamsters General Secretary-Treasurer Weldon L. Mathis. Mathis updated the attendees on the civil RICO case and how it is affecting day-to-day activities at the International head-quarters. Mathis also explained the various issues that are having an impact on the membership as a result of the consent decree.

Officers Elected For Coming Year

The delegates to the Teamsters National Bakery Conference nominated and elected officers that will head the Conference for the next



Southern Conference Director Joe Morgan, Sr., addressed the delegates and guests at the Bakery Conference banquet.



Welcoming the delegates to Florida was Joe Morgan, Jr., president of the Georgia-Florida Conference. (Seated from left): Bakery Conference board members Joe Padellaro, chairman; Bill Overy, recording secretary; Ed Tyler, vice chairman; and Tim Sullivan, secretary-treasurer.

year. Elected were Joseph Padellaro as conference chairman, Tim Sullivan as conference secretary-treasurer, Ed Tyler as conference vice chairman, and Bill Overy as Conference recording secretary.

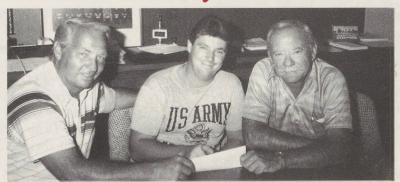
The week-long conference revolved around key themes and industry problems such as: on-board computers in trucks; the Baking Industry Teamster Labor Committee (BITLC) and its task forces; cost-saving procedures; union decertification, both in the bakery division and in other divisions; the Frito-Lay situation; and problems

that bakery-route salespersons encounter on a daily basis.

This year's conference was hosted by the Georgia-Florida Conference of Teamsters and cohosted by Teamsters Local 769, Miami, under the direction of Joe Morgan, Jr., president of the Georgia-Florida Conference.

Other guests and speakers at this year's Bakery Conference included International Vice Presidents Ed Lawson and Don West; Bob Marciel, director of Teamsters Dairy Conference; and Tony Cannestro, president of Local 769.

Back Pay Award



(From Left): Earl Bush, IBT International representative; Tony Hernandez, with his check for \$7,428 for payment of lost wages from Las Vegas's Mirage Hotel; and R.S. Thomas, secretary-treasurer, Local 995, Las Vegas. Hernandez had been terminated as a gardener at the Mirage last February for union activities.

Maryland Teamsters Launch Pilot Program In the Fight against Drug Abuse

sk Americans to cite the number one problem facing our society today, and the response is chillingly clear: drug abuse.

The facts are indeed sobering:

- Drug use rates in the United States are higher than in any other industrialized nation.
- Americans consume threefifths of all illicit drugs produced in the world.
- Most young people have used illegal drugs by the time they finish high school. Almost half of all high school seniors have smoked marijuana; nearly one in eight has used cocaine, the most addictive of all illicit drugs.
- One in three high school seniors reports having consumed five or more alcoholic drinks in a row in a two-week period.
- The reason most often cited by young people for using drugs is peer pressure. Such pressure has resulted in youngsters using drugs at an increasingly early age—as young as 9, 10, and 11 years old, and sometimes even younger.

"Just Say No" Clubs Help Fight Drug Abuse

To help young people defend themselves against the serious menace of substance abuse, a national program—the "Just Say No Foundation"—was launched in May, 1986, under the honorary chairmanship of then First Lady Nancy Reagan. What began as a single club in an Oakland, California, grade school in January, 1985, today has blossomed into an organized network of over 15,000 active clubs across America, with 500,000 members, making it the

largest youth anti-drug movement ever to emerge in this country.

The "Just Say No" program is rooted in 20-plus years of research into the causes of, and solutions to, drug abuse. It weaves together strategies that have been shown to offer the most promise in preventing children and teens from using drugs. The program addresses factors known to influence young people's decisions about drug and alcohol use—decisions that confront American youth every day.

The "Just Say No" message is clear and unequivocal: The use of harmful drugs by young people poses a serious threat to their physical, psychological, and emotional well-being, and to their families, schools, and communities, and therefore is unacceptable.

Maryland Teamsters Launch Pilot Program

A shared belief in this credo has forged a strong link between Teamsters in the State of Maryland and the "Just Say No" organization. (With expansion into six countries outside the United States, the Foundation formally changed its

name to "Just Say No" International in January, 1989.)

Through the efforts of Chuck Stansburge, secretary-treasurer of Local 570, Baltimore, Maryland, in conjunction with Morton Lapides of "Just Say No" International, a pilot program has been developed for Teamsters families. At Stansburge's suggestion, a presentation was also made by Lapides to Teamsters Joint Council 62 in Baltimore, which voted unanimously to participate in the program.

"Just Say No" clubs are, essentially, groups of youngsters aged 7–14, who share a resolve to say no to drugs. "Through a variety of educational, recreational, and service activities," the "Just Say No" foundation reports, "the clubs support and strengthen members' determined effort to lead drug-free lives. They reinforce the message that drug use is wrong. Members learn to stand up for what they know is right—and feel good about themselves for doing so.

"Club members encourage their friends and classmates to join them in saying no to drugs," the foundation continues. "Suggested activities keep the clubs—and the 'Just Say No' message—visible in

Clubs Do Make a Difference

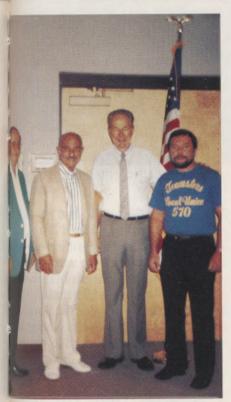
he "Just Say No" Club program got high marks in a report released last year by the inspector general of the U.S. Department of Health and Human Services.

"Over 80 percent of the youth respondents said the program helped themselves and others stay away from drugs," states the *National Youth Drug Education Report*. "Most of the parents (92 percent) felt their children's involvement in the ['Just Say No'] program has had a positive effect on their drug-related behavior and attitudes, and 80 percent felt that the local program made a difference in their community. . . Eighty-five percent of the independent professionals interviewed gave [the program] a rating of good or excellent."

to

sa

th



12

ck

of

es.

a

ed

on

n-

ti-

ly

ed

ay

of

nd

ay

bs

rs

ee

ge

ey

ir

m

(From left): George Woods, president, J.C. 62, Baltimore, MD; Morton M. Lapides, "Just Say No" International; Henry Koelein, commissioner of labor, State of Maryland; and Chuck Stansburge, secretary-treasurer, J.C. 62.

the school and community. Club members learn, and communicate to their peers, that it isn't necessary to use drugs to make friends and have fun."

In the Teamster pilot program, 13,000 letters have been mailed by the locals affiliated with Joint Council 62, inviting Teamster families to participate. As the letter explained:

"The Maryland Teamster Joint Council 62 and its Local Affiliates have agreed to join with 'Just Say No' in the formation of 'Just Say No' clubs. 'Just Say No' clubs offer our children, ages 5–14, a forum through which they can make a statement about their opposition to drugs as well as other pressures they endure day to day.... The purpose of the organization is to

teach resistance skills while utilizing time for creative, constructive support for peers and from peers, as well as from adult club leaders.... Please join us so that we may begin the long journey of protecting our children by giving them the tools to 'Just Say No.'"

Program Kicks Off At J.C. Seminar

Addressing Maryland Teamsters about the program at a recent seminar hosted by J.C. 62, Lapides praised Teamsters and the labor movement for a leadership role in fighting society's ills. "Organized labor," he explained, "is part of the overall community, and has become active and respected in many endeavors. You fight crime, homelessness, and drugs. Your president, Bill McCarthy, is on President Bush's council against drugs. There is not a charity I have worked with that does not have representation from organized labor."

For these reasons, Lapides said, "Just Say No" decided to approach the International Brotherhood of Teamsters about establishing a partnership in fighting the war against drugs.

The program calls for Teamster locals to contact their members to learn if they would be interested in having their children participate in a drug education program, or if members or their spouses would like to volunteer as adult club leaders. Teamster union halls will be used for club meetings. The "Just Say No" organization will provide the materials and the training for the volunteer leaders of the clubs, with funds being raised by local unions.

"Just Say No" clubs are essentially similar to Cub Scout packs. Members have meetings, get good training, and have fun. The overall program represents a balanced, research-based approach to preventing drug abuse. Club activities fall into four categories: learning to say no to peer pressure, educational activities, recreational activities, and service activities.

Statistically, based on the country's population and the Union's 1.8 million members, "Just Say No" estimates that there are approximately 195,000 children aged 7–14 in Teamster families. If only five percent of the potential pool of youngsters participated, it would bring 10,000 club members, with approximately 500 clubs, under the "Just Say No" umbrella.

The IBT General Executive Board, at its third quarterly session of the year, reviewed the "Just Say No" program, and encourages any IBT Joint Council or local not already participating in an anti-drug program, to seriously consider joining this campaign.

"The drug crisis is one of the greatest problems which our country, and our families, must overcome," said General President William J. McCarthy. "This threat that weakens our nation, tears apart our families, and destroys our young people is very real and very dangerous. Whatever Teamsters can do to help, must be done. It is a battle we cannot afford to lose."

While other unions are already interested in participating in what Teamsters are pioneering, Lapides said, "Teamsters are first, and until your program moves forward, we are not going to invite other unions to participate."

For further information on the program, IBT locals and Joint Councils can contact:

Mr. Morton Lapides "Just Say No" International c/o Alleco Inc. Allegheny Circle Cheverly, Maryland 20781

Airline Division Wins Decision against USAir

n a landmark victory for the IBT Airline Division, the National Mediation Board ruled on August 17 that USAir illegally interfered in a union representation election for its 8,200 fleet service employees last winter. The Board ordered a new election.

General President McCarthy declared: "We can't let big companies push us around and break the law."

He said the International Union would give full support to the Airline Division in a new USAir campaign.

"We knew all along that we would have another election," said Airline Division Director William F. Genoese. "The company's high-priced lawyers simply broke the law."

The Board at first held that the Teamsters lost the election because the Union failed to get the votes of 50 percent plus one of all the eligible voters. No other union was on the ballot.

However, the Teamsters protested that the election was tainted by company interference.

In upholding the Teamsters' position, the Board said: "The carrier has followed an aggressive campaign of opposition to the IBT.... The Board cannot sanction the totality of the actions and practices carried forward here ... Therefore, because the Board finds that the carrier, through the totality of its conduct, has tainted the laboratory conditions necessary for a fair election, remedial action must be taken."

Anti-Union Tactics

"The company intimidated the workers at a series of captive-audience meetings on the job," Genoese said. "It hired outside lawyers to mastermind a campaign of illegal influence.

"The company sent out tons of anti-union propaganda and spent millions of dollars to beat us. It sent videotapes to the homes of the workers. It refused to let union representatives on the USAir property. It told the workers that a victory for the union would mean strikes, loss of seniority, and high dues."

The Board ruled that "the carrier's campaign statements in the videotape and elsewhere regarding seniority, strikes, and requirements for membership and payment of dues were objectionable" because of their "inaccuracies and misstatements."

In addition to being kept off the property, the Union was not given a mailing list of the eligible voters, who were scattered in 127 cities from coast to coast.

"This made it impossible for us to tell our side of the story to the workers," Genoese said.

The Board ordered USAir to give the Airline Division a complete mailing list in advance of the second election. It has not yet set dates for the election, which will be conducted by mail ballot.

Yes or No Ballot Wanted

Genoese said the Board did not go far enough in its ruling, since it did not order a yes or no ballot in the second election. The Union is still pressing the Board for this type of ballot.

With a yes or no ballot, the issue of union representation would be decided by a simple majority of the workers actually voting.

"Under the Board's normal rules," Genoese said, "50 percent plus one of the eligible voters have to cast ballots for union representation in order for an election to be valid. Nowhere else in the United States are elections conducted this way. The country would never elect a President or any members of Congress if it were necessary to get the votes of more than 50 percent of the eligible voters in order to win."

The Teamsters, who had the allout support of the AFL-CIO in the first campaign, have represented all USAir fleet service employees in Pittsburgh, Philadelphia, Boston, and Buffalo for 10 years. After USAir merged with Pacific Southwest Airlines in 1988, the National Mediation Board conducted a system-wide election. The Teamsters won.

In August, 1989, USAir completed another merger—this time with Piedmont Airlines.

The Teamsters contended that the Union should have been certified by the Board as the representative of the merged fleet service group—approximately 8,200 workers. This would have been in line with the Board's rulings in previous cases—since USAir was the surviving carrier and was substantially larger than Piedmont.

Voting Records Available

Due to limited space in this issue of *The International Teamster*, we are unable to publish the lengthy voting records of the 101st Congress.

However, the voting records of the members of the U.S. House and Senate are being distributed to local Teamster publications through the *Teamsters News Service*, for dissemination to the membership. Additionally, the voting records can be requested through your local union.

Manitoba Local Holds Its First Stewards' Seminar



Canadian Conference Education Director Nicole Mercier (center) with seminar participants.

he Winnipeg, Manitoba, Local 979 shop stewards' seminar, held earlier this year in Winnipeg, was the first one ever held by the Canadian prairie local. Harsh weather did not deter the enthusiastic turnout—47 stewards from 25 companies across Manitoba attended the seminar. Ed Hawrysh, principal officer of the local, assisted by the federally funded Education Department of the Canadian Conference of Teamsters, was instrumental in arranging the oneday event.

mal

ent

ave

en-

to

ted

his

ect

of

to

50

in

all-

the

ted

ees

DS-

ter

th-

nal

VS-

ers

m-

ne

nat

er-

·e-

00

in

in

as

b-

Secretary-Treasurer Hawrysh welcomed the participants to the seminar and introduced Conference Education Director Nicole Mercier, who conducted the day's program.

First on the agenda, the stewards viewed a new video produced by the Canadian Conference. Titled "History of the Teamsters," it provides an informative look at the

history, membership, and structure of the Union since its founding in 1903.

Stewards Vital To Union Process

Mercier then focused on the importance of the steward's position within the structure of the Union. She detailed the many responsibilities that accompany the role, ranging from the initial liaison the stewards provide between workers and management, to the proper interpretation of contracts and the handling of grievances.

During the afternoon session, the participants concentrated their attention on the complexities of the grievance procedure and examined the various stages involved. They began with a discussion of what constitutes a legitimate grievance, such as breaches of collective agreements, violations of provincial or federal legislation,

injustice to employees, and unfair changes in past practices.

Following this in-depth discussion, Mercier divided the participants into work groups. For the balance of the session, they took active parts in mock grievance cases. This was of special benefit to the new stewards, inasmuch as it gave them an opportunity to obtain a firsthand look at the proper handling of grievances, and to gain insight from the more experienced senior stewards.

Seminar To Be Held Annually

To bring the seminar to a conclusion, Hawrysh thanked Education Director Mercier and the Canadian Conference for enabling his local to benefit from the memorable experience. Praising the stewards for their keen interest and dedication, he presented each attendee with a "Certificate of Merit" and an embossed pin. "This overwhelming, positive response to our local's first stewards' seminar is most encouraging," Hawrysh commented, "and I can assure you we will make this excellent learning opportunity an annual event."

"... I can assure you we will make this excellent learning opportunity an annual event."

—Ed Hawrysh



Steward Len Mazur (left) receives graduation certificate from Local 979 Secretary-Treasurer Ed Hawrysh.



Mercier instructs the stewards, who attended the seminar.

Teamsters Win Grant for

Occupational Health and Safety Training



Teamster Union members will be trained in safety and health procedures for hazardous waste cleanup.

eneral President William J. McCarthy has announced that the International Brother-hood of Teamsters has been awarded a two-year, \$3 million federal grant to conduct occupational health and safety training for Union members engaged in the cleanup of hazardous waste "Superfund" sites, and for Union members who may be exposed to hazardous materials in the trucking industry.

"This grant will help us in our efforts to win better protection for our members who transport hazardous materials," McCarthy said. "It will also help us to see that Teamsters who are engaged in the important work of protecting our environment from hazardous waste, will have the best training available so that they can do this work without risking their own health."

The grant was announced in September by the National Institute of Environmental Health Sciences, following a competition among labor unions, universities, and other non-profit organizations.

Acting Safety and Health Director Vernon McDougall, who wrote the Teamster proposal, explained that the grant will fund two sep-

arate worker training projects.

The training for hazardous waste cleanup workers will take place at a few designated training centers across the United States. Most of these will be at sites operated by established Teamster apprenticeship and training programs. Union members who need this training will have to travel to the nearest site. The program, a mixture of classroom and "hands-on" training, will take several days to complete. Each center will have clssrooms, a large outdoor training area, and specialized equipment with which these members can practice.

The training for Teamster members exposed to hazardous materials in the trucking industry will be very different. At first, safety and health specialists will travel to local union halls to conduct educational programs. Later, individuals designated by their local unions will receive special, intensive training to enable them to serve as health and safety trainers for their fellow local union members.

This project is now getting underway. A special staff with experience in occupational health and safety education is being assembled. Manuals and other training materials will be written. A vast array of special equipment will be purchased for hands-on training. "If everything goes smoothly," said McDougall, "we hope to begin training people early in the new year."

he

an

sol

bet

Ca

in

loc

pe

Re

ing

ag

to

tru

WY

ne

pu

ch

pa

ale

ca

ifc

hi

ab

er

wi

Tr

ga

ab

pr

bl

ic

M

pa

di

bu

he

th

di

n

0

Safety and Health Training Becoming More Important

Safety and health training for hazardous waste cleanup workers will become increasingly important as more and more "Superfund" sites are scheduled for cleanup in coming years.

The Occupational Safety Health Administration (OSHA) requires at least 40 hours of this training before workers can work regularly on a site, and eight hours of refresher training each year. OSHA has estimated that between 18 percent and 33 percent of the workers on these sites will be drivers of various types of trucks. According to Tom Kellerhuis, director of the Teamsters Building Materials and Construction Division, "This program will help us to see that this hazardous waste cleanup work is done by skilled Teamsters Union workers."

International Vice President R. V. Durham, director of the Teamsters National Freight Division, estimated that as many as 250,000 drivers and 100,000 dock workers in the trucking industry could eventually benefit from improved hazardous materials training. Durham will chair an advisory committee which oversees this project.

Other committee members will be Kellerhuis; Donald Elisburg, executive director of the non-profit Occupational Health Foundation; and Doctors Donald Dawson, Ellison Wittels and Eula Bingham of the Teamsters Medical Advisory Committee.

Arizona Teamster Wages War on Substance Abuse

rom Flagstaff, Arizona, Darrell A. "Dusty" Pinkerton, a member of Teamsters Local 104, headquartered in Phoenix, AZ, is an award-winning driver with Consolidated Freightways. His route is between Flagstaff and Los Angeles, California. Pinkerton is on the road in his 18-wheeler for 60–90 hours per week and is constantly on the lookout for motorists in trouble.

For 25 years he has changed people's tires, put out fires, and saved people trapped in wrecks. Recently, Pinkerton has been saving people's lives with his crusade against substance abuse. His crusade has also gone a long way toward improving the image of the

trucking industry.

it

Pinkerton and his wife, Mona, write monthly articles in the Association of Christian Truckers newspaper, Wheels Alive. They purchase and distribute free-ofcharge 1,000 copies of the newspaper every month at truck stops along Interstate 40 from Tucumcari, New Mexico, to Ontario, California. Pinkerton's articles detail his campaign to combat substance abuse among truckers and the general public. He is also working with the National Association of Truck Stop Operators in that organization's efforts to curb drug abuse at truck stops through its program named "Operation Roadblock."

One of the most active and dedicated participants of the *Overdrive Magazine and Radio Network*'s "Truckers Against Drugs" campaign, the Flagstaff Teamster has distributed thousands of anti-drug bumper stickers and ribbons, and he has been a keynote speaker on the Network's radio program, carried by more than 200 stations every evening.

Pinkerton has led the way in discouraging the public's wrong notion that many truck drivers are substance abusers. Last year he started a petition to let northern Arizona radio stations know how truckers feel about songs portraying them as drug users, being played on the air.

Such an active crusader against substance abuse has caught the attention of the media in the United States. Pinkerton was recently interviewed for an upcoming Readers' Digest feature story. Several articles have already been published about this tireless and tenacious Teamster in Overdrive Trucking News, Truckers Digest, and in Wheels Alive. Several Arizona newspapers, TV, and radio stations have also interviewed Pinkerton.

President George Bush and U.S. Drug Czar William J. Bennett, di-

rector of the Office of National Drug Control Policy of the Executive Office of the President, have joined a number of members of Congress, Arizona State legislators, and Arizona Governor Rose Mofford in congratulating Pinkerton for his commitment to combating substance abuse. President Bush wrote him in April of this year, ".... Your work promoting a drug-free lifestyle among our vouth addresses one of the most difficult challenges we face as a nation today. . . . I commend you for your willingness to become involved in the lives of others. Your example imparts a sense of our responsibility for our fellow countrymen. God bless you."

Cardinal O'Connor Salutes Labor



At the New York City Labor Day Parade on September 3rd, His Eminence Father John Cardinal O'Connor (right) was photographed wearing a Teamster cap. Standing next to Cardinal O'Connor is Michelle Rocha, daughter of Teamster Local 111, New York, NY, member Michael Rocha.

Pan Am Presents New Contract Proposal; Union Will Offer Counter Proposal



Airline Division Director Bill Genoese, (center) lays out strategy and tactics for Teamster negotiations with Pan American World Airways. Also pictured are Teamsters Pan Am Chairman George Miranda (left) and union attorney Roland Wilder (right). The Teamsters can legally strike Pan Am at any time.

an American World Airways has given the Teamsters Airline Division a new contract proposal, which would restore many of the items the airline took away in 1988. However, the IBT negotiating committee rejected the proposal on the grounds that it does not go far enough.

Pan Am's offer follows months of job actions, demonstrations, and slowdowns by its Teamster-represented employees.

"The company offered to restore an eight percent pay cut it imposed in 1988," said Airline Division Director William F. Genoese. "It also proposed three percent pay increases in 1991, 1992 and 1993. However, it did not address the issue of job security and Labor Protective Provisions in the event Pan Am is involved in a merger."

Under the Railway Labor Act, the Teamsters can strike Pan Am at any time. The courts have also held that the workers can use job actions and demonstrations to put pressure on the company.

Union Drafting Final Proposal

Genoese said the Airline Divi-



Teamster employees of Pan American World Airways walked off the job and set up picket lines outside a Pan Am cargo area at JFK Airport in New York. Truck deliveries were halted. The job action was aimed at forcing the company to engage in meaningful contract negotiations with the Union.

sion is putting together a final contract proposal which it will present to Pan Am in the near future.

The Teamsters represent a broad cross section of Pan Am employees including reservations, passenger service, and cargo agents; clerical and accounting workers; stock clerks; and nurses.

"The workers are up in arms," Genoese said. "They wear Teamster pins and T-shirts on the job. They have organized motorcades and put up picket lines at cargo areas to stop truck deliveries."

Company Imposed Concessions

Pan Am imposed a concessionary contract on the workers after negotiations reached an impasse

"The workers are up in arms They wear Teamster pins and T-shirts on the job. They have organized motorcades and put up picket lines at cargo areas to stop truck deliveries."

in 1988.

In addition to a pay cut, the company reduced vacations, holidays, and sick days, and forced the workers to pay for their health insurance.

to

Most of these items would be restored under the company's latest proposal for a contract that would run until February 20, 1994.

With negotiations continuing, Genoese said Pan Am's final offer will be submitted to the membership for a vote. The Union will take a strike vote at the same time.



In demonstrations and job actions throughout the system, Pan Am employees are demanding that the company engage in meaningful contract negotiations with the Teamsters. Workers are up in arms over the company's failure to come up with an acceptable proposal for a new contract.

Teamsters

Help Couple

In Distress

hree members of Local 317, Syracuse, New York, recently rescued an elderly couple from drowning in Oneida Lake in central New York.

The couple, Doris and Duane Mespell of Bridgeport, NY, went fishing at 7:30 p.m. August 14th. Near midnight, without any warning, their boat started taking on water so fast they didn't have time to light distress flares. Within minutes, the boat was nearly full of water. The Mespells jumped into the water and held onto the 25-year-old craft. After an hour it sank to the bottom.

As the boat began to sink the couple grabbed for life jackets and a round rubber float, wrapping the rope from the float around each other. They floated this way on the lake for nearly seven hours until a three-man fishing expedition of Teamsters embarked on the lake.

On the morning of August 15th, the trio—Mike Groginski, Jim Evans and Ed Kelly, all employed by UPS out of Local 317—set out on Oneida Lake in their boat. Around 7:00 a.m., they spotted the Mespells treading water and waving, faintly. The group sped over and helped the couple into their boat, saving them from further hypothermia and possible drowning.

"They were both very cold," said Evans, one of the Teamster rescuers, "[so] we took off our shirts and gave them to them. Then we headed for the closest marina. . . ."

While recuperating at University Hospital in Syracuse, the Mespells publicly thanked their rescuers for coming to their aid and expressed the hope to meet with them in the near future. "People Helping People", one of the proud Teamster mottos, expresses the traditions all Teamster members follow—traditions that can save lives.

Dedicated Union Workers Drive Only American-Made Cars



Mrs. Pamela Richards, a longtime member of the United Auto Workers, sits in the cab of her new Dodge Truck. The vehicle was presented by AFL-CIO affiliated unions after Richards turned down a foreign-made car that she won on a game show.

A 20—year member of the United Auto Workers (UAW) recently won a car on a game show in the state of Ohio, but refused the car because it was a nonunion foreign-made car. Pamela Richards who works for Chrysler Corporations Toledo Precision Machining plant, keeps her allegiance to her union and the American labor movement by only purchasing and accepting American-made products.

She steadfastly refused the foreign-made Honda Accord from the game show, which cost \$17,600, and instead accepted a \$1,000 cash prize as an alternate gift. Hearing of her loyalty and dedication to union-made products, the AFL-CIO presented Mrs. Richards with a vehicle of her choice on behalf of the federation's affiliated unions.

Richards stated that the union has given her a lot of benefits in her lifetime. For instance, when she started out at Chrysler, the union built up her wages and the benefits that she is now reaping. "If they can work that hard for me, then I can buy a car that we build."

The vehicle that she chose was a Dodge Dakota pick-up, because her husband has a Dodge truck with a 100,000 miles on it at home and the family is in need of a new one.

"Teamsters salute this dedicated unionist for her loyalty to U.S.-made products," said General President William J. Mc-Carthy. "It was not an easy choice, but it was the right one, and we congratulate Mrs. Richards on her stand. She is a fine example for union members everywhere."

Annual Industrial Trades Division Meeting Focuses on Organizing, Banning Scabs



"For job security, for a decent standard of living, for the right to organize—the IBT Industrial Trades Division is the wave of the future," Director Joe Konowe told the delegates.

the IBT's Industrial Trades Division recently held its ninth annual conference in Montréal, Québec, Canada, where delegates focused on the need to strengthen their local unions through organizing new members, and through protecting the jobs of striking union members.

Division Director Joseph Konowe opened the overflow meeting of more than 200 delegates by observing that "opportunities for organizing do exist." Praising the delegates for their high level of organizing activity, Konowe cited local union reports showing that the Division's locals have organized 15,000 new members in the past year.

"It may seem like you're running to stand still at times because of the continued plant closings and the shift of production overseas," he said, "but you will have my full support and the full support of the Division in organizing new members."

Konowe also promised the Division's assistance in the campaign to organize Overnite. "Any effort to rebuild our Freight Division is important to the Industrial Trades Division and to the entire International," he said. The Director explained that it was the freight membership that established contact with workers in industrial plants around the company, developing the opportunities for the Teamsters to organize and grow in this sector. Konowe said that organizing success in the freight industry would spill over into other areas of the Union's membership.

Division Endorses Anti-Scab Legislation

One of the most important topics of discussion at the Division's annual meeting, according to the delegates, was the need to advance legislation that would ban the management practice of permanently replacing union strikers with scabs. Konowe discussed two pieces of legislation currently pending before Congress (H.R. 3936 and S. 2112), which would restore the right of union members to strike without the fear of losing their jobs.

"A strong, well-financed DRIVE program is an absolute must, if we are to resolve the anti-union trend that is so pervasive among the employers in North America," he said.

Thanking General President William J. McCarthy for his "continuing and regular" financial support for the Division, Konowe said that the funds "enable us to provide services to our affiliates that are effective and unique."

to

ho

ad

of

es

Te

th

m

to

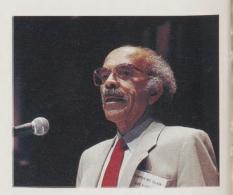
A

McCarthy sent a message that was read to the delegates, praising Konowe and the members of the Division's Executive Committee for their services to the membership. The General President also asked for the Division's continued advice and support in helping him to fulfill the duties of his office.

Canadian Conference Director Louis Lacroix welcomed the delegates to Canada, and invited them



Teamster leaders from across the U.S. and Canada attended the Division's ninth annual conference.



Curtis McClain, secretary-treasurer of the International Longshoremen and Warehousemen's Union, praised the Teamsters Union for leading the charge against the use of scabs by hostile employers.



International Vice President Frank Hackett encouraged the delegates to push legislation that would ban the permanent replacement of strikers, as Canadian Conference Director Louis Lacroix listens.

n-

ıp-

aid

ro-

nat

nat

ng

he

for

ip.

ed

ce

to

or

m

to experience the charms of his home, the French-speaking Province of Québec.

Lacroix discussed the U.S./Canada free trade agreement, an issue of great concern to the delegates as representatives of the two largest trading partners in the world. Teamster leaders on both sides of the border are concerned about manufacturing jobs being shifted to low-wage countries.

Teamster Dignitaries Address Meeting

The dais was packed with Teamster leaders on the first day of the conference. General Secretary-Treasurer Weldon Mathis criticized Reagan Administration policies that worked to the detriment of working people in America, and called on President Bush and Congress to pass legislation that will protect the jobs of striking union members. Eight international vice presidents, including Joe Trerotola, Ed Lawson, Jack Cox, Don West, Daniel Ligurotis, Frank



More than 200 delegates attended the Industrial Trades Division meeting. The Division's 250 local affiliates represent more than 400,000 Teamster members.

Hackett, George Vitale, and Jack Yager, and International Trustee Robert DeRusha also addressed the gathering.

On the second day of the meeting, Johnny Morris, president of the Pennsylvania Conference of Teamsters, opened the session. IBT trade division directors speaking at this session were Bill Genoese of the Airline Division; Bill Hogan, Jr., of the Convention and Exposition Centers Trade Division; and Barry Feinstein of the Public Employees' Division.

Harold McIver, organizing director of the AFL-CIO's Industrial Union Department, addressed the delegates on his recent organizing experiences in the field. Nancy Ridge, an executive vice president of the Canadian Labour Congress, who is a specialist in women's issues, spoke to the delegates about recent tax developments in Canada and how they will affect workers.

Sam Stintsman, coordinator of the Overnite organizing campaign, updated the Teamster leaders on recent developments in the campaign and on the growing support for the Union among the workers.

Chuck Mack, president of Joint

Council 7 in San Francisco, California, thanked the delegates for their generosity in the aftermath of the earthquake that devastated his area.

The delegates welcomed two labor representatives from outside the Teamsters Union on the third day of the conference. The delegates welcomed Elmer Chatak, who is secretary-treasurer of the Federation's Industrial Union Department, as an honorary member of the Industrial Trades Division. Chatak praised the Teamsters Union for leading the fight to pass antiscab legislation.

Curtis McClain, secretary-treasurer of the International Longshoremen's and Warehousemen's Union, observed that unions in Eastern Europe are now "more

"... You will have my full support and the full support of the Division in organizing new members."

—Joe Konowe Director

Industrial Trades Meet

(continued)

free" than unions in North America to pursue the interests of their members. He also praised the recent history of "essential cooperation" between the IBT and his union.

The delegates also heard informative reports from the Division's Executive Committee, which is made up of Walter Engelbert from the Western Conference of Teamsters, Tom Brown from the Eastern Conference, Tony Cannestro from the Southern Conference speaking for International Vice President Joe Morgan, Sr., Bill Hogan from the Central Conference, and Ed MacIntosh from the Canadian Conference.

On hand from the staff of the International were Organizing Director Vicki Saporta, who reviewed the experiences of a Teamster local in an organizing campaign that had met with intense management hostility; and Information Center Director Ann Thompson, who offered the services of her Department in providing company data to assist in collective bargaining and organizing campaigns.

On the final day of the conference, the delegates reported on activities in their locals, and pledged to support the Division both in organizing new members and in advancing pro-worker legislation.



Division Director Joseph Konowe (left) named Elmer Chatak, secretary-treasurer of the AFL-CIO's Industrial Union Department, an honorary member of the Teamsters' Industrial Trades Division.

San Francisco Local 85 Sponsors Driving School for Area Teamsters



Pictured above are some of the many members of Local 85, San Francisco, CA, who are involved in the Rank-and-File Trucking Seminar (R.A.F.T.S.) program. The tractor-trailer (above) is just part of the pivotal contribution made by employers such as S.E. Rykoff & Co., whose commitment has enabled the R.A.F.T.S. program to train 78 Teamsters to D.O.T. test standards, with a 100% pass record.

arly in 1987, when Local 85, San Francisco, California, found it could not supply area employers with enough qualified drivers with a Class "A" license, Business Agent Mike Thelen decided to do something about the situation.

After extensive research, coupled with the assistance of federal and state agencies and Local 85's attorneys, Thelen formed a Guidelines Committee to look into the development of driving classes sponsored by the local.

"While Local 85 examined the possibility of starting the classes as a nonprofit venture, the cost of such items as equipment, fuel, insurance, learning materials, and speakers' fees had to be taken into consideration," Thelen said. "In our area, driving schools were charging \$3,000–\$6,000. We're able to keep the cost down to \$500 for our members."

The committee developed a pilot program which they called the Rank-and-File Teamsters Seminar (R.A.F.T.S.). The pioneer program was kicked off in April, 1988, with 24 students attending. Three additional classes have been held since that time, each with a 100 percent pass rate on the Department of Motor Vehicles road test.

Held on Saturdays and Sundays over several months, the seminar offers written materials, classroom time, and guest speakers from the California Department of Motor Vehicles and the California Highway Patrol. Drawing on a wide spectrum of experience, skill, and talent, the students benefit from input by the committee, Local 85 members who serve as trainers, and participating employers such as S.E. Rykoff & Company and Cal Cargo which provide equipment and facilities.

"No doubt we will be continuing the R.A.F.T.S. program," Thelen said, "with the help of our committee, employers, staff, members, trainees, the California Department of Motor Vehicles, and everyone else involved with the program. To all of those who've helped, we just want to say 'thank you.'

Canadian Conference Announces

Key Appointments



James Johnston.

anadian Conference of Teamsters Director Louis Lacroix has announced four important appointments in the Conference.

Ed MacIntosh, secretary-treasurer and principal officer of Vancouver, British Columbia, Local 213, was appointed director of the Canadian Conference Industrial Trades Division late last year.

In addition to heading the 10,500-member local, MacIntosh also serves as trustee and chairman of the local's health and welfare and pension plan, trustee and cochairman of the local's Joint Training School, and recording secretary of Joint Council 36 in B.C.

Gilles Laliberté, vice president of Québec Local 1999, was named director of Canadian Conference Newspaper Drivers Division.



Ed Hawrysh.



Gilles Laliberte.

Laliberté has served Québec Joint Council 91 in the capacities of trustee in 1985 and recording-secretary in 1987. That same year, he was appointed a Policy Committee member for the Newspaper Drivers Division.

James R. Johnston, secretary-treasurer and principal officer of Calgary, Alberta, Local 362, was appointed assistant to Canadian Freight Director Charles Thibault, effective July 1, 1990.

In 1982, he became secretary-treasurer and principal officer of the local. In addition, he currently serves in a number of other capacities: president of Joint Council 90 in Calgary, chairman of the Board of Trustees for the Prairie Teamsters Health and Welfare and



Ed MacIntosh.

Pension Plans, vice-president of the National Freight Committee, and president of the Western Canada Council of Teamsters.

Ed Hawrysh is secretary-treasurer and principal officer of Winnipeg, Manitoba, Local 979, and was appointed a member of the Canadian Conference Policy Committee, effective July 1, 1990.

Hawrysh is also active in numerous other Teamster capacities: as a delegate to the Canada Council of Teamsters and the Western Canada Council of Teamsters, and as a member of the National Freight Committee. He is a trustee to the Prairie Teamsters Pension and Health & Welfare Plans. Hawrysh also serves on the boards of many provincial organizations.

Teamster Wins Scholarship

eather L. Gross, a member of Teamsters Local 250 in Pittsburgh, Pennsylvania, and daughter of Local 250 Secretary-Treasurer William D. Gross, was recently recognized for outstanding achievement in her studies at Edinboro University, located in Edinboro, PA. Gross, whose major is psychology, has been awarded a "Behavioral Sciences Fund" scholarship from the university's Psychology Department. Gross intends to apply the scholarship toward the tuition costs, and she plans to have a career in child psychology.

As a member of the local, she works for ARA Leisure Services and operates a concession for refreshments.

58,726 Teamsters Know . . . *

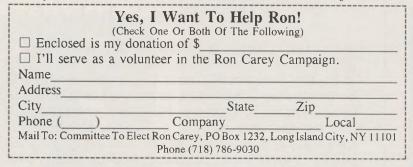
Ron Carey's Angry!

Because A Few At The Top Have Sold Out This Union But In 1991 We CAN Do Something About . . .

- The corruption at the highest levels of our union.
- Inadequate pension benefits and skyrocketing health care costs which are bankrupting Teamster families.
- Sellout contracts which threaten job security and wage increases, depriving our Teamster families of a secure future.
- Kangaroo court grievance procedures.
- Two-tiered wage systems which pit member against member.
- A loss of more than 600,000 members in the last 10 years.
- Under-representation for Canadian members on the General Executive Board.
- Top union officials inviting the government into our union then spending \$12 million of *our* money trying to block the members from electing top national officers.
- Many top officials receiving outrageous multiple salaries.
- Supporting politicians who serve the interests of greedy corporations in their effort to replace union workers.

Are You Angry, Too? Elect Carey President

In December, 1991, for the first time *ever* in the history of the Teamsters, <u>all</u> rank-and-file members will vote to directly elect their General President. You can help Ron Carey make labor history and turn this union around. Get involved today!





Ron Carev

A Teamster Who For 35 Years . . .

- Served 23 years as President of New York's 7,000 member Local 804, a strong, honest union.
- Negotiated some of the best contracts in North America.
- Won some of the best Teamster pension benefits for Local 804, including 25-and-out at any age!
- Fair, responsible grievance system.
- Launched a lawsuit which led to majority rule in our contracts.

^{* 58,726} dues-paying Teamsters signed a petition to make Ron Carey an accredited candidate for General President of our union and entitling him to present his views in our *Teamsters* magazine.

The following Accredited Candidate Campaign Literature is published pursuant to the "Rules for the IBT International Union Delegate and Officer Election." This candidate has not declared himself to be a part of a slate.



T.C. STONE

SECRETARY-TREASURER, LOCAL 745
DALLAS, TEXAS

CANDIDATE FOR I.B.T. VICE-PRESIDENT

In announcing my candidacy for International Vice-President of the International Brotherhood of Teamsters, from the Southern Conference of Teamsters, I do so with the understanding that our great Union and the Membership face many complex problems and challenges in the future.

Every member deserves and is entitled to have his or her voice heard, grievances resolved in a timely and cost efficient manner and the representation afforded by our Constitution and By-Laws.

During my thirty (30) years as a Member, Job Steward, Business Agent and Secretary Treasurer of Teamsters Local Union 745, Dallas, Texas, I have always and will continue to represent the members. I have not forgotten where I came from, who elected me nor why I was elected.

I pledge not only to each and every Member of the Southern Conference of Teamsters, but, each and every Member of the Six Hundred Forty (640) Teamster Local Unions, when I am elected, YOU will have a strong voice on the General Executive Board of the International Brotherhood of Teamsters.

I invite any member to call or write and, with YOUR support, we, as Members, can and will make a positive difference in our Union. Any calls or letters will be answered by me on my time and at my expense, as they should be.

I thank each one of you for your words of encouragement and support and look forward to serving you on our General Executive Board.

T.C. for V.P. Campaign PO Box 17340 Dallas, Texas 75217

The following Accredited Candidate Campaign Literature is published pursuant to the "Rules for the IBT International Union Delegate and Officer Election." This candidate has not declared himself to be a part of a slate.



Reclaim Your Union Vote John P. Morris For Regional VP Eastern Conference

My name is John Morris. I started Local 115 some thirty-five years ago. In 1981 I was elected President of Joint Council 53 and in 1984 we founded the Pennsylvania Conference of Teamsters and I was elected President. I make a comfortable living, but I'm no "high-paid" union official as the Joint Council and the Conference are virtually non-paying jobs. I live in a rowhouse I bought forty years ago in a Philadelphia middle-class neighborhood.

Local 115's members get the top pay and benefits in their industries. It took many brutal strikes to attain that goal, but we achieved it because we don't give up and we won't cave in. "Perseverance and determination" is our motto and our strength, and if you ask us for help you get it. That's our reputation, not our rhetoric. The FBI investigated me and said, "He's clean."

My Local Union, Joint Council 53 and the Pennsylvania Conference are hard-working organizations that get results. Our Joint Council runs a highly effective ten-week Organizing School every year. The Pennsylvania Conference raises over \$800,000 per year for political action; it is the largest, strongest, and most effective labor organization in the state. We passed a tough law that restricts "goon squad" security guards. We passed a Commercial Drivers License Law that protects our jobs and we are pushing a statewide voter registration effort to elect pro-labor candidates across the board.

I am running for Regional VP because our programs should be expanded to help more local unions and members. Ten years of the Reagan/Bush anti-union policies have forced labor to change its tactics. If the Teamsters don't have aggressive organizing and political action our strength at the bargaining table will decline. The International Executive Board must give this union leadership, direction, and purpose. You need leaders you can trust, not court-appointed trustees.

RECLAIM YOUR UNION! HELP US ELECT JOHN P. MORRIS
REGIONAL VICE-PRESIDENT EASTERN CONFERENCE

Help us help you. Please send your voluntary contributions to: Committee To Elect John P. Morris For Regional VP., P.O. BOX 28571, Phila. Pa., 19149

Report XVI to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

In this Report, I will: (1) give you information about the four new Regional Coordinators hired by the Election Officer; (2) report to you on the recent accreditation of three International Union Officer Candidates by the Election Officer; (3) tell you about my pending review of the appointments of Jack B. Yager as International Vice-President and Director of the Central Conference; (4) update you on the disciplinary charges filed by the Investigations Officer; (5) advise you of the significant cost-savings to three IBT Locals resulting from the Investigations Officer's work; (6) tell you about my decision regarding a legal bill submitted to the IBT on behalf of the IBT Director of Communications, Mr. Duke Zeller; and (7) advise you of my review of the cost-of-living increases recently received by the members of the IBT General Executive Board.

1. The Election Officer's Hiring of Additional Regional Coordinators

In my last Report, I provided you with a list of the names, addresses, telephone numbers and regions of the 14 Regional Coordinators which were retained by Mr. Holland at that time. As I told you, these individuals will "coordinate" the supervision of the election process throughout the United States and Canada. Mr. Holland has now retained an additional three coordinators. A list of their names, addresses, office ("O") telephone numbers and regions appears below:

NAME Amy Gladstein Gladstein, Reif & Meginniss 361 Broadway Suite 610 New York, NY 10013	REGIONAL CODE NYC (New York)	REGIONS/STATES New York City	JOINT COUNCIL LOCAL UNIONS JC 16
O: 212-941-6161 Fax: 212-941-0133			
C. Neil Reimer 9940-106th Street Suite 202	CAN (Western Canada)	Vancouver, British Col.	JC 36
Edmonton, Alberta, CANADA T5K 2N2		Alberta, Saskatchewan	JC 90
O: 404-469-5862 Fax: 403-422-7932		Manitoba	LU 979
Don Twohey 3231 Quandt Road Lafayette, CA 94549 O: 415-939-1904	CCV (California Central Valley)	San Joaquin & Sacramento Valleys, California	JC 38
		Northern Nevada	

NAME	REGIONAL CODE	REGIONS/STATES	JOINT COUNCIL LOCAL UNIONS
Elizabeth A. Rodgers Kehoe, Doyle, Playter	ENG (New England)	Boston, Massa- chusetts and Vicinity	JC 10
& Novick 9 Hamilton Place	England)	New Haven, Connecticut	JC 64
Boston, MA 02108 O: 617-338-0070 Fax: 617-338-2160		and Vicinity	

Bef

ing

ma

adv

tha

Me

the

Co

be

Mr. Holland still anticipates hiring five more coordinators and I will provide you with information about them in my next Report.

2. The Accreditation of International Union Office Candidates

That the election process is beginning to take root is evidenced by the Election Officer's recent accreditation of three International Candidates pursuant to Article III of the "Rules For The IBT International Union Delegate And Officer Election" (the "Election Rules"). Mr. Ron Carey, President of IBT Local 804 in Long Island City, New York, was accredited as a candidate for General President on August 30, 1990. Mr. John Morris, the President of Joint Council 53 located in Philadelphia, has also recently been accredited as a candidate for Regional Vice President for the Eastern Conference. Mr. T. C. Stone, the Secretary-Treasurer and Business Agent of Local 745 in Dallas, Texas, and Secretary-Treasurer of Joint Council 80 also in Dallas, has been accredited for the position of Regional Vice-President for the Southern Conference. Pursuant to Article VIII, Section 9 of the Election Rules, candidates, once accredited, have the right to have campaign literature published in The International Teamster magazine in October 1990 and February 1991, Mr. Carev's, Mr. Morris', and Mr. Stone's October submissions are published elsewhere in this issue. International Union Office Candidates have until December 4, 1990, to submit accredited candidate petitions. See Article III, Section 3 of the Election Rules.

3. My Review Of The Appointments Of Jack B. Yager As International Vice President And Director Of The Central Conference

On July 31, 1990, I wrote to IBT General Counsel Grady and told him that I was inclined to veto the appointments by General President McCarthy of Jack B. Yager to the positions of International Vice-President and Director of the Central Conference as the replacement of Daniel Ligurotis who had been removed as Director by General President McCarthy. Mr. McCarthy had charged that Mr. Ligurotis had not been "doing his job."

The Consent Order gives me the authority to review and veto appointments if I "reasonably believe []" that an appointment "constitutes or furthers an act of racketeering activity . . . or furthers or contributes to the association directly, or indirectly, of the IBT or any of its members with the L[a] C[osa] N[ostra] or elements thereof." Before I make a final decision on the Yager appointments, I will first take the sworn testimony of General President McCarthy and every other member of the General Executive Board to determine the facts and circumstances surrounding the appointments. I will update you further on this matter in future Reports.

In connection with the Yager appointments, I have advised both Mr. Grady and General President McCarthy that in the future no appointments are to be made before they are placed before me for review. It is hoped that Messrs. Grady and McCarthy will follow this procedure in

the future.

NCIL

ors

in

an-

is

of

of

nd

on

nt

en

or

y-

in

al

to

S,

re

in

5,

I have also recently learned that Vice-President Jack Cox was relieved of certain responsibilities as an "Area Vice-President" in relation to Joint Councils 38 and 7. I have informed Mr. Grady that before someone is appointed to assume these responsibilities the proposed appointment, if any, is to be submitted to me in order to determine whether I will exercise my veto power. By following this procedure, I hope to avoid the situation that arose when, before being reviewed by me, Mr. Yager was appointed a Vice-President and member of the General Executive Board, as well as Director of the Central Conference to replace Mr. Daniel Ligurotis, after Mr. Ligurotis' removal from that position.

4. Disciplinary Matters.

a. Judge Edelstein's Decision In The Disciplinary Matter Involving Senese, Talerico And Cozzo

In my last Report, I advised you that I had filed a decision in the disciplinary matter involving Dominic Senese (President of Local 703 in Chicago), Joseph Talerico (Business Agent of Local 727 in Chicago), and James Vincent Cozzo (Executive Coordinator of Local 786 in Chicago). The Investigations Officer had charged these individuals with "bringing reproach upon" the IBT by "knowingly associating" with members of organized crime families of La Cosa Nostra. In addition, Mr. Senese and Mr. Cozzo were charged with actually being members of La Cosa Nostra. An additional charge against Mr. Talerico alleged that he brought "reproach upon" the IBT "by unlawful refusing to answer questions before a Federal Grand Jury investigating the skimming of funds from a Las Vegas casino, which . . . conduct was the basis of [Mr. Talerico's conviction for criminal contempt in violation of [Federal law] in the United States District Court for the District of Nevada ... and for being held in civil contempt in that district."

On July 12, 1990, I issued a decision concluding that the Investigations Officer had proved his charges against Messrs. Senese, Talerico and Cozzo. Accordingly, I ruled that these men were to permanently remove themselves from all of their IBT affiliated union positions (including membership in their Local Unions and the International Brotherhood of Teamsters) and draw no money or compensation therefrom, or from any other IBT affiliated source.

On August 27, 1990, Judge Edelstein issued an "Opinion and Order" affirming my decision in all respects. A copy of that opinion is printed elsewhere in this magazine. Judge Edelstein also directed that I first decide the issue of whether Senese's, Talerico's and Cozzo's pension, health and welfare benefits should also be terminated before he reviews that question. I will be issuing a supplemental opinion on this issue and will, of course, report to you on that decision in a future report.

My Opinion In The Disciplinary Matter Involving Salerno And Cutolo

On May 14, 1990, I conducted a hearing on the charges filed by the Investigations Officer against Cirino "Charles" Salerno (President of Local 272) and William Cutolo (President and Business Agent of Local 861). Mr. Salerno and Mr. Cutolo were charged with associating with organized crime families of La Cosa Nostra and Mr. Cutolo was also charged with actual membership in La Cosa Nostra. On August 21, 1990, I issued a decision finding that the Investigations Officer had carried his burden of proving the charges. Accordingly, I ordered Salerno and Cutolo to permanently remove themselves from all their IBT-affiliated union positions (including membership in their Local Unions and the International Brotherhood of Teamsters) and draw no money or compensation therefrom, or from any other IBT-affiliated source. My decision is now before Judge Edelstein for review and the penalties imposed have been stayed by me for a period of thirty days pending Judge Edelstein's decision.

c. The Cozza Charge

A disciplinary hearing on the charge filed against IBT Vice President Theodore Cozza alleging knowing association with members of organized crime families of La Cosa Nostra was held on July 14, 1990, in Newark, New Jersey, and continued on August 2 and 3, 1990 in Pittsburgh, Pennsylvania. A post-hearing briefing schedule has been set.

d. The Local 507 Charge

The charge pending against Local 507 (see The International Teamster, July 1990 at p. 27) was resolved by Agreement between the Investigations Officer and Local 507. In summary, the Agreement effectively rescinded Resolutions passed by the Local 507 Executive Board which purported to remunerate Harold Friedman and Anthony Hughes (both having been suspended from office

Report XVI (continued)

by me) in the event they were to be permanently removed from office. Additionally, the Agreement disallows any special payments to Harold Friedman's wife, the Secretary-Treasurer of Local 507 and a member of its Executive Board, if Mr. Friedman is removed from office.

e. The Robert J. Feeney Charge

The hearing on the charge filed against Robert J. Feeney, President and Business Agent of Local 11 in Clifton, New Jersey, (see *The International Teamster*, July 1990 at p. 28) was held on July 30–31, 1990, continuing on August 8 and 10, 1990. A post-hearing briefing schedule has been set.

f. The Nellie McKim Charge

The hearing on the charge filed against Nellie McKim, Secretary-Treasurer of Local 580 in Lansing, Michigan (see *The International Teamster*, July 1990 at p. 28) has been scheduled for September 24, 1990.

g. The Anthony Zappi Charge

The charge against Anthony M. Zappi, Secretary-Treasurer of Local 854 in Valley Steam, New York, (see The International Teamster, July 1990 at p. 28) has been scheduled for September 26–28, 1990. Mr. Zappi's hearing will be heard along with the charges of four other individuals similarly charged: George Lombardozzi, Liborio "Robert" Crapanzano, Pasquale "Patsy" Crapanzano, and Louis Rumore.

h. The Charles O'Brien Charge

A hearing on the two sets of charges against Charles O'Brien, an International Representative, (see The International Teamster, July 1990 at p. 28 and April 1, 1990, at p. 22) was held on August 27, 1990. A post-hearing briefing schedule has been set.

i. The George Lombardozzi Charge

As noted, the charge against George Lombardozzi, a Business Agent of Local 918 in Brooklyn, New York (see *The International Teamster*, July 1990 at p. 28), is scheduled for September 26–28, 1990.

j. The Liborio "Robert" Crapanzano Charge

Liborio Crapanzano, President of Local Union 27 in New York City, has been charged with:

Violating Article II, subsection 2(a) and Article XIX, subsection 6(a) of the International Brotherhood of Teamsters Constitution by conducting [himself] in a manner to bring reproach upon the International Brotherhood of Teamsters and by violating [his] oath, to wit: while an officer of Local 27, being a member of La Cosa Nostra.

The charge filed against Liborio Crapanzano has been scheduled as part of the group of five for hearing on September 26–28, 1990, due to the common proof to be offered by the Investigations Officer.

k. The Pasquale "Patsy" Crapanzano Charges

Pasquale Crapanzano, Secretary-Treasurer of IBT Local 27 in New York, has been charged with:

Charge 1

Violating Article II, subsection 2(a) and Article XIX, subsection 6(b) of the International Brother-hood of Teamsters Constitution by conducting [himself] in a manner to bring reproach upon the International Brotherhood of Teamsters and by violating [his] oath, to wit: while an officer of Local 27, being a member of La Cosa Nostra.

Charge 2

Violating Article II, subsection 2(a) and Article XIX, subsection 6(b) of the International Brotherhood of Teamsters Constitution by conducting [himself] in a manner to bring reproach upon the International Brotherhood of Teamsters and by violating [his] oath, to wit: while an officer of Local 27, [he] accepted monies from employers who employed members of Local 27. This conduct formed the basis of a jury verdict of guilty to violations of U.S.C., Title 29, sections 186(b)(d), 142 and 152 in United States v. Patsy Crapanzano, 64 Cr. 639 (S.D.N.Y.).

The charges filed against Pasquale Crapanzano have been scheduled for hearing on September 26–28, 1990.

l. The Angelo Misuraca Charge

Angelo Misuraca, Vice-President and Business Agent of IBT Local 398 located in Rochester, New York, has been charged with:

Violating Article II, section 2(a) of Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the International Brotherhood of Teamsters and by violating [his] oath.

TO WIT, during the time [he was] an officer of Local 398 in Rochester, New York, [he] knowingly associated with Angelo Amico, a member of organized crime.

The charge against Angelo Misuraca has been scheduled for hearing on October 18, 1990.

m. The Carmen Parise Charges

Carmen Parise, Secretary-Treasurer, Business Agent and Union Trustee of IBT Local 473 located in Cleveland, Ohio, has been charged with:

Charge 1

Violating Article II, section 2(a) and Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), during the time [he was] Secretary Treasurer of Local 473, Cleveland, Ohio by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath.

for

Jar

TO WIT, beginning in or about the summer of 1987, while an officer of Local 473, [he] assaulted and harassed Jerry Jones, a fellow member of Local 473, by threatening him with physical and economic harm. In or around June 1987, [he] and another officer of Local 473 came to Jones' place of employment and threatened to physically injure him. In or around September 1987, [he] came to Jones' place of employment and threatened to have him beaten. In addition, [he] threatened to use [his] power as a union official to cause Jones to lose his job and be unable to work because he allegedly had made statements critical of [him] and the local.

ocal

Charge 2

Violating Article II, section 2(a), and Article XIX, section 6(b) of the IBT Constitution, by acting in a manner to bring reproach upon the IBT and violating [his] our oath; and violating the AFL-CIO Code of Ethical Practices . . . ,

TO WIT, when [he was] required by the Investigations Officer to give a sworn statement pursuant to Paragraph 12(C) of the Consent Order entered March 14, 1989 in <u>United States v. International Brotherhood of Teamsters, et al.</u>, 88 Civ. 4486 (DNE), on July 2, 1990, [he] refused to answer questions under oath relating to whether [he] had any knowledge about or involvement in the beating of Jerry Jones by another member of Local 473 on November 20, 1987.

The charges against Carmen Parise have been scheduled for hearing on October 4–5, 1990.

n. The Anthony Calagna Charges

Anthony Calagna, President of IBT Local 295 located in Jamaica, New York, has been charged with:

Charge 1

Violating Article II, section 2(a) and Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath, to wit, during the time [he was] a paid business agent and President of Local 296, Jamaica, New York, by being a member of La Cosa Nostra.

Charge 2

Violating Article II, section 2(a), and Article XIX, section 6(b) of the Constitution of the IBT, by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath; and violating the AFL-CIO Code of Ethical Practices, to wit, when [he was] required by the Investigations Officer pursuant to Paragraph 12(C) of the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE), to give a sworn statement, [he] refused

to answer questions under oath relating to La Cosa Nostra, the business of Local 295, the business of Local 806, the payment of [his] personal legal fees with local union monies to defend criminal and civil racketeering charges filed against [him], and other matters.

Charge 3

Violating Article II, section 2(a), Article XIX, section 6(b) of the IBT Constitution, by acting in a manner to bring reproach upon the IBT and embezzling and converting to [his] own use union money, to wit, [he], with the complicity of the Executive Board of Local 295, have embezzled and converted to [his] own use at least \$50,000 of Local 295 money to pay the attorney representing [him] in criminal racketeering charges pending against [him] in the United States District Court for the Eastern District of New York. This expenditure of local union monies served no legitimate interest of the members of Local 295; it was solely for [his] personal benefit.

On August 23, 1990, I received a letter from Mr. Calagna's attorney requesting that I stay the scheduling of his hearing pending the resolution of an outstanding criminal matter. Mr. Carberry has written me objecting to Mr. Calagna's request. Finding merit to Mr. Carberry's objection, I have now scheduled this hearing for October 11–12, 1990.

o. The Louis Rumore Charge

Louis Rumore, Vice-President of IBT Local 812 located in Scarsdale, New York, has been charged with:

Violating Article II, section 2(a) and Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath, to wit, during the time, [he was] an officer of Local 812, Scarsdale, New York, by being a member of La Cosa Nostra.

For the reasons already noted, the hearing on the charge filed against Mr. Rumore is scheduled along with the hearings on the charges against Mr. Zappi, the Crapanzanos (Pasquale & Liborio), and Mr. Lombardozzi, for September 26–28, 1990.

p. The Michael Urso-Pernice Charge

Michael Urso-Pernice, Vice-President of IBT Local 295 located in Jamaica, New York, has been charged with:

Violating Article II, section 2(a) and Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath; and violating the AFL-CIO Code of Ethical Practices . . . , to wit, on May 22, 1990, while Secretary-Treasurer of Local 295, Jamaica, New York, when [he was] required by the Investigations Officer pursuant to Paragraph 12(C)

Report XVI (continued)

of the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE) to give a sworn statement, [he] refused to answer questions under oath relating to La Cosa Nostra involvement in the IBT, the payment with Local 295 money of personal legal expenses incurred by Anthony Calagna, Sr. for the defense of criminal and civil racketeering charges pending against him in the United States District Court for the Eastern District of New York, and payment with the monies of Local 295 of personal legal expenses incurred by other members of the Executive Board of Local 295 for the defense of civil racketeering charges pending against them in the same court.

I have been informed by counsel for Mr. Urso-Pernice that he has agreed to submit to examination by the Investigations Officer which will be conducted on September 5, 1990. Mr. Pernice's hearing is scheduled on October 11–12, 1990, recognizing that the charge may be resolved by the successful completion of Mr. Pernice's deposition

q. The Anthony Calagna Jr. Charge

Anthony Calagna, Jr., Recording Secretary of Local 295 located in Jamaica, New York, has been charged with:

Violating Article II, Section 2(a) and Article XIX, Section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath; and violating the AFL-CIO Code of Ethics Practices . . . to wit, on May 22, 1990, while Recording Secretary of Local 295, Jamaica, New York, when [he was] required by the Investigations Officer pursuant to Paragraph 12(C) of the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE) to give a sworn statement, [he] refused to answer questions under oath relating to the payment with monies of Local 295 of personal legal expenses incurred by Anthony Calagna, Sr. for the defense of criminal and civil racketeering charges pending against him in the United States District Court for the Eastern District of New York, and payment with the monies of Local 295 of personal legal expenses incurred by other members of the Executive Board of Local 295 for the defense of civil racketeering charges pending against them in the same court.

The charge against Anthony Calagna Jr. has been scheduled for hearing on October 11–12, 1990.

r. The Frank Manzo Charge

Frank Manzo, Shop Steward and Trustee of Local 861 located in New York, New York, has been charged with:

Violating Article II, Section 2(a) and Article XIX, Section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath.

TO WIT, on or about December 12, 1985, [he was] convicted of attempted robbery in the third degree, a felony, in the Criminal Court of the State of New York, Kings County. This conviction bars [him] from holding union office pursuant to 29 U.S.C. Section 504. Despite [his] conviction for this crime, [he has] held and continue to hold the offices of shop steward and trustee in Local 861 of the IBT in New York, New York.

The charge against Frank Manzo has been scheduled for hearing on October 9, 1990.

s. The Joseph Cimino, Jr. Charge

Joseph Cimino, Jr., President and Business Agent of Local 107 located in Philadelphia, Pennsylvania, has been charged with:

Violating Article II, Section 2(a) and Article XIX, Section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT and violating [his] oath.

TO WIT, during the time [he was] an officer and business agent of Local 107 in Philadelphia, Pennsylvania, [he] knowingly associated with Nicodemo Scarfo, a member of La Cosa Nostra.

The charge against Joseph Cimino, Jr. has been scheduled for hearing on October 25, 1990.

t. The Alfonso Lyles Charge

Alfonso Lyles, Shop Steward and Trustee of Local 854 located in New York, New York, has been charged with:

Violating Article II, §2(a) and Article XIX, §6(b) of the International Brotherhood of Teamsters Constitution, by conducting [himself] in a manner to bring reproach upon the International Brotherhood of Teamsters and by violating [his] oath, to wit: while an officer of Local 854 and a shop steward, [he] plead[] guilty in Criminal Court, Queens, New York, on January 9, 1985 to the crime of attempted criminal mischief, a Class B misdemeanor. {He was} sentenced to one-year probation. This conviction and the rest of [his] criminal record was not revealed to the board or members of Local [854], to wit:

- a. On or about February 2, 1977 [he was] convicted after trial in Plainfield, New Jersey for possession and sale of narcotics. [He was] sentenced to three years' probation for this crime.
- b. On or about December 7, 1976, [he was] arrested in Queens, New York and charged with petit larceny and criminal possession of stolen property. On or about January 11, 1977 [he] plead[] guilty to petit larceny and [was] fined \$50.00.
- c. On or about October 11, 1973 [he] plead[] guilty in the Supreme Court for the State of New

for

ch

to

H

ар 26

Co

L

Th

th

York, New York County to possession of a loaded weapon, a felony. [He was] sentenced to a year in prison for this conviction and served ten months. This plea arose out of [his] arrest while in a car, in possession of a loaded pistol and sawed-off shotguns.

d. On or about January 2, 1990 [he was] arrested in New York City for possession of dangerous drugs, a Class D felony. While [he was] in prison on [his] felony conviction for possession of a loaded firearm, [he] plead[] guilty to a misdemeanor plea of attempted possession of dangerous drugs and [was] sentenced to three months.

5]

uled

t of

een

3

ed-

[He has] failed to disclose this criminal record to Local 854 while [he has] been serving as a trustee on its Executive Board, including [his] criminal mischief conviction during [his] term of office. [His] continuation of [his] criminal conduct after [he] became a trustee brought reproach on the union and constituted a violation of [his] oath.

The charge against Alfonso Lyles has been scheduled for hearing on October 19, 1990.

5. The Cost-Savings To IBT Locals Resulting From The Investigations Officers Work

As noted in this Report, Mr. Carberry has resolved his charges against Local 507 by Agreement. That Agreement prevented \$681,600 in contemplated payments being made to Harold Friedman, his wife Barbara, and Anthony Hughes. In addition, as indicated in my Report XIII, which appeared in *The International Teamster*, July 1990 at pp. 26-27, Mr. Carberry has also resolved charges against two Connecticut Locals (443 and 191) by Agreement. The Local 443 Agreement required certain members of the Local's Executive Board to pay the Local a total of \$78,177. The Local 191 Agreement provided for payments to that Local totalling \$57,855. Thus, directly attributable to the three Agreements entered into by the Investigations Officer, the amounts reimbursed and/or "saved" total \$817,632.

6. My Review Of The Zeller Legal Bill

This matter involves a legal bill submitted to the IBT in the amount of \$23,453.56 for the benefit of F. C. "Duke" Zeller, the IBT Director of Communications. The IBT sought to pay this bill on behalf of Mr. Zeller for legal services performed by outside counsel in connection with the following four matters:

(1) An investigation by the IBT's former General Counsel, Mr. Climaco, and a separate investigation by the FBI into an award of a services contract to a company created by friends of Mr. Zeller, International Communications and Graphic Design ("ICGD");

- (2) Civil litigation commenced by ICGD against the IBT over certain unpaid invoices;
- (3) The civil racketeering case (the "RICO case") filed by the Government against the IBT, settlement of which resulted in the entry of the Consent Order; and

(4) The FBI's investigation into the award of the contract for the printing of *The International Teamster* to a company operated by General President McCarthy's son-in-law—Windsor Graphics.

On August 21, 1990, I wrote to IBT General Counsel Grady indicating that I would not veto that portion of the expenditure relating to the ICGD, including Zeller's involvement in the RICO case, under my expenditure review authority. I further indicated, however, that I would, based upon what I currently have before me, find such an expenditure to be in violation of the IBT Constitution (Article IX, Section 9 (a)), subjecting those responsible for said expenditures to possible disciplinary sanctions, pursuant to my disciplinary authority under the Consent Order. I reserved decision on that portion of the expenditure relating to Windsor Graphics given my pending review of that transaction.

7. Review Of Salary Increases Of The GEB

After some exchange of correspondence between Mr. Grady and myself regarding my authority and obligation under the Consent Order to review "any expenditure or proposed expenditure of International Union funds . . .," which includes, of course, salary increases to International Union officers and employees, Mr. Grady informed me by letter dated August 14, 1990, "that the members of the General Executive Board have received cost-of-living salary increases effective July 1, of every year since 1984." A schedule of the most recent increases, which was supplied to me by Mr. Grady, is reprinted below:

NAME	OLD BASE SALARY	NEW BASE SALARY	AMOUNT DIFFERENCE	PERCENTAGE DIFFERENCE
JACK D. COX	\$67903.88	\$70687.94	\$2784.06	.0410
THEODORE R. COZZA	67903.88	70687.94	2784.06	.0410
ROBERT G. DeRUSHA	67903.88	70687.94	2784.06	.0410
R.V. DURHAM	92034.69	95808.11	3773.42	.0409
FRANCIS W. HACKETT	67903.88	70687.94	2784.06	.0410
EDWARD M. LAWSON	67903.88	70687.94	2784.06	.0410
BEN LEAL	67903.88	70687.94	2784.06	.0410
MITCHEL LEDET	67903.88	70687.94	2784.06	.0410
DANIEL C. LIGUROTIS	154327.00	160654.41	6327.41	.0410
WELDON L. MATHIS	246923.18	257047.03	10123.85	.0409
WILLIAM J. McCARTHY	277788.57	289177.09	11389.33	.0409
JOSEPH W. MORGAN	154327.00	160654.41	6327.41	.0410
MICHAEL J. RILEY	67903.88	70687.94	2784.06	.0410
WALTER J. SHEA	152809.85	159075.05	6265.20	.0409
JOSEPH TREROTOLA	154327.00	160654.41	6327.41	.0410
GEORGE J. VITALE	67903.88	70687.94	2784.06	.0410
ARNIE WEINMEISTER	154327.00	160654.41	6327.41	.0410
DON L. WEST	67903.88	70687.94	2784.06	.0410
JACK B. YAGER	104011.12	108275.58	4264.46	.0410
HAROLD J. YATES	67903.88	70687.94	2784.06	.0410

By letter dated August 20, 1990, I informed Mr. Grady that I would not be vetoing these salary increases. I decided not to veto these increases because, as with my review of appointments, the Consent Order only permits me to veto expenditures which would either "constitute[] or further[] an act of racketeering activity or further[] or contribute[] to the association directly, or indirectly, of the IBT or any of its members with the L[a] C[osa] N[ostra]

Report XVI (continued)

or elements thereof." I did not view the cost-of-living increases as falling into either of those two categories. I did, however, admonish Mr. Grady, that under the Consent Order such expenditures must be placed before me for review in a timely fashion, and that I viewed his failure to do so as a serious transgression which would be brought to Judge Edelstein's attention.

II CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102 Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Court Order of Judge Edelstein

United States District Court Southern District of New York

OPINION & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al.,
Defendants.

IN RE:

APPLICATION XII BY THE INDEPENDENT ADMINISTRATOR

Appearances: CHARLES M. CARBERRY, Investigations Officer, New York, New York (Robert W. Gaffey, of counsel);

OTTO G. OBERMAIER, United States Attorney for the Southern District of New York, Edward T. Ferguson, III, Assistant United States Attorney, for the United States of America;

STILMAN, FRIEDMAN & SHAW, New York, New York (Edward M. Shaw; Patrick J. Calihan, Edward J. Calihan, Chicago Illinois, Arnold & Kadjan, Chicago, Illinois, of counsel) for Dominic Senese, and Joseph Talerico.

EDELSTEIN, District Judge:

This opinion arises out of the voluntary settlement in the action commenced by the plaintiffs United States of America (the "Government") against the defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB") embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials, an Independent Administrator to oversee the remedial provisions, an Investigations Officer to bring charges against corrupt IBT members, and an Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

Application XII presents for this Court's review the July 12, 1990 Opinion of the Independent Administrator. The Independent Administrator held disciplinary hearings on charges filed by the Investigations Officer against three IBT officers, Dominic Senese, Joseph Talerico, and James Cozzo. The Independent Administrator concluded that the Investigations Officer had sustained his burden of establishing just cause for finding that the charges against Senese, Talerico, and Cozzo had been proved. The Independent Administrator imposed lifetime suspensions from the IBT on Senese, Talerico, and Cozzo. This Application

followed.

I. Background

Senese is the president of IBT Local 703, located in Chicago, Illinois. Senese was charged with violating Article II, §2(a) of the IBT constitution ("Article II, §2(a)") by conducting himself in a manner that brought reproach

Sen

ber

Cer

Chi

Art

tuti

pre

vio a r wit

to

pro

IB

IB

In

19

(S

(2

Court Order (continued)

upon the IBT. The Investigations Officer charged that Senese belonged to, and knowingly associated with members of La Cosa Nostra, including Joseph Aiuppa, John Cerone, and others, while an officer of the IBT.

Talerico is a business agent of Local 727, located in Chicago, Illinois. Talerico was charged with violating Article II, §2(a) and Article XIX, §6(b) of the IBT constitution ("Article XIX, §6(b)") by (1) being adjudged in criminal contempt in violation of 18 U.S.C. §401(3), and civil contempt for refusing to answer questions before a federal grand jury investigating the skimming of funds from a Las Vegas casino, while an officer of the IBT; and (2) knowingly associating from January 1, 1981 to the present, with Joseph Aiuppa and Philip Ponto, members of La Cosa Nostra, while an officer of the IBT.

Cozzo was executive coordinator of Local 786 in Chicago Illinois, but has not been employed by that local since July 9, 1989. Cozzo has also taken a withdrawal card and is not a member of that local. Cozzo was charged with violating Article II, §2(a) and Article XIX, §6(b) by being a member of La Cosa Nostra and knowingly associating with Joseph Lombardo, a member of La Cosa Nostra, while employed by Local 786.

Article II, §2(a) is the IBT membership oath. That section provides in relevant part that every IBT member shall "conduct himself or herself in such a manner as not to bring reproach upon the Union . . ." Article XIX, §6(b) provides the bases for bringing disciplinary charges against IBT members. Article XIX, §6(b)(1) indicates that violating any specific provision of the IBT constitution is chargeable conduct. Article XIX, §6(b)(2) states that transgressing the IBT oath of office is chargeable conduct.

II. Discussion

in

of

n-

he

an

ee

91

irt

gh

ly

16

n

With respect to the disciplinary and investigatory provisions of the Consent Decree, the IBT General President and GEB delegated their disciplinary authority under the IBT constitution to the Court Officers. United States v. International Brotherhood of Teamsters, (2d Cir., slip opinion June 1, 1990 at 30-32); see also November 2, 1989 Memorandum and Order, 725 F. Supp. 162, 169 (S.D.N.Y. 1989); January 17, 1990 Memorandum and Order, 728 F. Supp. 1032, 1048-57 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990); Local 295 v. Lacey et al., July 20, 1990 at 3-4 (S.D.N.Y. 1990); Joint Council 73 et al. v. Carberry et al., July 23, 1990 at 4-6 (S.D.N.Y. 1990). The Independent Administrator and Investigations Officer are stand-ins for the General President and GEB for the purpose of the instant disciplinary actions. Hearings before the Independent Administrator are conducted pursuant to the same standards applicable to labor arbitration hearings. Consent Decree, ¶F.12.(A)(ii)(e).

Paragraph F.12.(C) of the Consent Decree mandates that the Independent Administrator must decide disciplinary hearings using a "just cause" standard. Consent Decree at 9. Paragraph K.16 provides that this Court shall review actions of the Independent Administrator using the "same

standard of review applicable to review of final federal agency action under the Administrative Procedures Act." Consent Decree at 25. This Court may only overturn the findings of the Independent Administrator when it finds that they are, on the basis of all the evidence, "arbitrary or capricious." This Court and the Court of Appeals have interpreted ¶K.16 to mean that decisions of the Independent Administrator "are entitled to great deference." 2d Cir., Slip Opinion, June 1, 1990 at 15, see also March 13, 1990 Opinion and Order, 735 F. Supp. 506, 511 (S.D.N.Y. 1990).

Cozzo failed to respond to the charges filed by the Investigations Officer, did not appear for his disciplinary hearing, and does not challenge the decision of the Independent Administrator to this Court. Senese and Talerico argue the Independent Administrator's determination that the charges were sustained against them was "arbitrary and capricious." For reasons to be discussed, the Independent Administrator's conclusions in the July 12, 1990 Opinion must be upheld in all respects.

A. Facial Challenges to the Discipline Hearings

Senese and Talerico facially challenge several aspects of the procedure followed by the Court Officers to conduct their hearing. At the outset, Senese and Talerico contest the jurisdiction of the Independent Administrator to hear the charges against them. Senese and Talerico assert they were deprived of their rights under the United States Constitution. Senese and Talerico further argue that the Independent Administrator erred in allowing the introduction of, and then relying upon hearsay evidence.

1. Jurisdictional Challenge

Senese and Talerico first argue that the Independent Administrator has no jurisdiction to discipline them, since they were neither parties to the underlying litigation nor signatories to the Consent Decree. This argument is utterly without merit. It is beyond doubt that the disciplinary and investigatory provisions of the Consent Decree are binding on non-signatory members of the IBT. See United States v. International Brotherhood of Teamsters, (2d Cir., slip opinion June 1, 1990 at 30-32); see also November 2, 1989 Memorandum and Order, 725 F. Supp. 162, 169 (S.D.N.Y. 1989); January 17, 1990 Memorandum and Order, 728 F. Supp. 1032, 1048–57 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990); Local 295 v. Lacey et al., July 20, 1990 at 3-4 (S.D.N.Y. 1990); Joint Council 73 et al. v. Carberry et al., July 23, 1990 at 4-6 (S.D.N.Y. 1990).

2. Constitutional Challenges

Senese and Talerico contend that the charges against them are violative of their rights under the First and Fifth Amendments to the United States Constitution. Senese and Talerico do not demonstrate that any Constitutional protection attaches to the conduct or their charges. As a result, the Independent Administrator's determination that these charges do not infringe Senese and Talerico's Con-

Court Order (continued)

stitutional rights must be upheld.

Senese and Talerico argue that these charges sanction them for associating with certain individuals, in violation of their First Amendment right of freedom of association. Senese and Talerico essentially ask this Court to rule that the IBT cannot punish members whose activities are adverse to the union's stated goal to be free of corruption, because they have a First Amendment right to associate

with whomever they please.

Union members' First Amendment rights are statutorily curtailed by §101(a)(2) of the Labor-Management Reporting and Disclosure Act, ("LMRDA"), 29 U.S.C. §411(a)(2). Section 101(a)(2) specifically preserves for labor unions the right to "enforce reasonable rules as to the responsibility of every member toward the organization as an institution," and to sanction its members for conduct "that would interfere with its performance of its legal or contractual obligations." 29 U.S.C. §411(a)(2).

It is the stated policy of the IBT to be free of the influence of organized crime. Consent Decree, fifth and sixth "WHEREAS" clauses. Union officers' associations with organized crime members pose a danger to the integrity of the IBT as an institution. United States. v. Local 560, International Brotherhood of Teamsters, 5[81] F. Supp. 279, 315 (D.N.J. 1984). It is beyond dispute that the IBT can sanction its own members who knowingly associate with organized crime figures, since such conduct violates "the responsibility of every member toward the institution" of §101(a)(2) of the LMRDA.

The Independent Administrator noted that governments may lawfully impair an individual's freedom of association in a number of contexts. See, e.g., Jones v. North Carolina Prisoners' Labor Union, Inc., 433 U.S. 119, 125–133 (1977) (Prison management outweighs prisoners' associative rights); Cordero v. Coughlin, 607 F. Supp. 9, 9–11 (S.D.N.Y. 1984) (segregating AIDS prisoners); United States Civil Serv. Comm'n v. National Association of Letter Carriers, AFL-CIO, 413 U.S. 548, 567 (1973) (ban on political activity by federal employees); *United States v. Boyle*, 338 F. Supp. 1028, 1032-33 (D.C. Colo. 1972) (ban on union political contributions). A state may strictly regulate which persons may serve in positions as officials in unions involved in gaming casinos. In Brown v. Hotel and Restaurant Employees and Bartenders Int'l Union Local 54, 468 U.S. 491, 509 (1984), the Supreme Court held that the public has a compelling interest in eliminating the "'public evils' of 'crime, corruption, and racketeering' " to justify such regulation on association. Id. While this situation involves sanctions imposed by a private actor, the IBT, the cited cases are further support for the Independent Administrator's conclusions.

The common denominator in all these cases is that the compelling state interest outweighs the associational infringement. If a state has a compelling interest in keeping private entities free of the influence of organized crime, then a private actor such as the IBT, which has a broad and universal impact on the commerce of the United States, surely has a compelling interest in ridding itself of the influence of organized crime. The Independent Administrator determined that the IBT has the right to discipline members for knowingly associating with organized crime figures since it has a compelling institutional interest in ridding itself of corruption. The IBT's sanctioning members in order to rid itself of corrupt influence conforms with §101(a)(2) of the LMRDA, and infringes no First Amendment rights. See Turner v. Air Transport Lodge 1948, 590 F. 2d 409, 412 (2d Cir. 1978) (Mulligan J. concurring), cert. denied, 442 U.S. 919 (1979).

find

Offi

evic

the

In

In

hea

Ind

Adı

Inc

sev

der

Ta

inc

Ad th

ar

pe

ar

is

Accordingly, the ruling of the Independent Administrator that these charges do not violate Senese's and Talerico's First Amendment rights is not arbitrary or capricious, and

must be upheld.

Senese and Talerico argue that current punishment for their past conduct violates their Fifth Amendment due process rights. They contend that at the time of the prohibited conduct they were not on notice that associating with certain individuals would subject them to union discipline. Senese and Talerico reason that prior to the signing of the Consent Decree, the IBT did not explicitly prohibit associating with organized crime figures. Senese and Talerico essentially argue that it is a due process violation for a labor union to step up its disciplinary

enforcement after a period of laxity.

The factors relied upon by the Independent Administrator were sufficient to determine that these charges curtail no Fifth Amendment due process rights. First, the Consent Decree created no new standards of conduct for IBT members. Rather, the Consent Decree simply made explicit the longstanding goal of the IBT to be free of corruption. For example, it has been the written policy of the AFL-CIO—with which the IBT is affiliated—to be free of all corrupt influence. Second, an IBT officer plainly should know that associating with organized crime figures would violate his oath of office to not bring reproach upon the union. Indeed, this Court has held that "it defies logic to determine that [associating with organized crime figures] would not 'bring reproach upon the union.' " March 13, 1990 Order, supra, 735 F. Supp. at 516, aff'd (2d Cir., slip opinion, June 1, 1990).1

Senese and Talerico were charged with breaching their sworn oaths not to bring reproach upon the IBT. By knowingly associating with organized crime figures, Senese and Talerico ignored their avowed duties as IBT officers to remain free of corrupt influence. The Independent Administrator found that Talerico and Senese as IBT officers knew or should have known that such conduct was a violation of their oath of office. It is true that the permanent injunction against associating with organized

¹ Additionally, the Independent Administrator noted that the Supreme Court has held that contemporary licensing schemes may take into account past behavior without denying an individual due process. See De Veau v. Braisted, 363 U.S. 144, 160 (1960). It is true that the De Veau decision and the resulting line of cases consider current enactments of public legislatures which take into account past activity, and are thus distinguishable from the disciplinary actions of a private actor such as the IBT. But this body of law does indicate that even under the more exacting standards applied to public laws, under proper circumstances current licensing schemes may consider and sanction past behavior.

crime figures located at ¶E.10 of the Consent Decree prospectively prohibits such associations. Yet, it in no way bars the imposition of sanctions for past conduct.

t to

rga-

onal

inc-

nce no

port

gan

tra-

co's

and

for

due

the

ing

ion the

itly

ese

ess

ary

nis-

ges

the

for

ade

of

of

ree

nly

res

on

gic

ig-

ch

ir.,

eir

By

ese

ers

ent BT

ect

he

ed

IUS

In sum, there is more than ample support for the finding that the charges against Senese and Talerico do not violate their due process rights under the Fifth Amendment. Thus, the findings of the Independent Administrator must be upheld.

3. Procedural Defects

Senese and Talerico next argue that the Investigations Officer further denied them due process of law under the Consent Decree by failing to provide them with all the evidence to be used against them 30 days in advance of their hearing, as they feel is required by ¶F.12.(A)(ii)(b). In this regard, Senese and Talerico contend that the "Investigations Officer had no intention of allowing a fair hearing." (Senese Br., at 15).

But Senese and Talerico did not petition the Independent Administrator for the pre-hearing production of all evidence. Rather, they sought a bill of particulars and the issuance of subpoenas, requests that were rejected by the Independent Administrator. Senese and Talerico cannot point to an identifiable determination of the Independent Administrator to appeal now to this Court.

Further, the transcript of the hearing indicates that the Independent Administrator offered Senese and Talerico a seven-to-ten-day adjournment to study further the evidence produced, and decide if they wanted to recall Special Agent Wacks. (Hearing transcript, at 183-93) This offer alone eliminated any possible prejudice to Senese and Talerico.

4. Admission of Evidence

Senese and Talerico vigorously contest the Independent Administrator's decision to allow the introduction of hearsay evidence at the disciplinary hearing. Senese and Talerico also argue that the Independent Administrator incorrectly determined that the hearsay evidence was reliable.

These arguments misconstrue the nature of the disciplinary hearings themselves, and the determinations of the Independent Administrator. Paragraph F.12.(A)(ii)(e) of the Consent Decree stipulates that the Independent Administrator shall conduct disciplinary hearings "under the rules and procedures generally applicable to labor arbitration hearings." Consent Decree at 9. The Independent Administrator correctly determined that at a labor arbitration hearing, hearsay evidence is admissible if reliable. 6 Kheel, Labor Law §24.04[3][f]; see Elkouri and Elkouri, How Arbitration Works 325-27 (1985). The proper inquiry by the Independent Administrator was to examine the reliability of the hearsay evidence. This Court's review is limited to assessing whether that determination of reliability by the Independent Administrator was arbitrary or capricious.

The primary evidence at the hearing against Senese was the testimony and affidavit of FBI Special Agent Wacks, and the affidavit of FBI Special Agent Parsons. Special Agent Wacks averred that the basis for this affidavit and testimony was (a) two FBI reports dated December 11, 1985 and April 10, 1986, compiled from information supplied to the FBI by former IBT General President Jackie Presser (Ex. IO-1A(K), Ex. IO-1A(L)); (b) Wacks' notes from his presence at an FBI debriefing of former IBT General President Roy Williams (Wacks Aff., ¶31, Ex. IO-IA(K)); (c) The deposition testimony of Cleveland La Cosa Nostra underboss Angelo Lonardo taken during the underlying litigation (Wacks Aff., ¶30, Ex. IO-1(K)); (d) the testimony of an unnamed cooperating witness (Tr., 194-20 to 195-15); and (e) physical surveillance by the FBI (Tr., 157-23 to 158-6, 162-21 to 163-1). The Independent Administrator also admitted Special Agent Wacks as an expert on organized crime by the standards under Fed. R. Ev. 702.

Senese and Talerico argue that the Wacks affidavit and testimony was unreliable hearsay. They point out that two sources, Presser and Williams, are deceased, and unavailable for cross examination. They offer that Lonardo and the unnamed cooperating witness were available and should have been called to testify at the hearing. Further, they claim the surveillance indicated that Wacks did not personally see Senese or Talerico associate with organized crime figures. As a result, they argue the hearsay in the Wacks affidavit and testimony renders that evidence not credible. Senese and Talerico do not challenge the Independent Administrator's decision to admit Wacks as an expert, or the reliability of the affidavit of Special Agent Parsons.

In making his determination that the Wacks affidavit and testimony were reliable, the Independent Administrator considered that Wacks' information was culled from multiple sources. Additionally, the various sources corroborated one another. The Independent Administrator cited the fact that Senese was identified as a member of La Cosa Nostra by Presser, Lonardo, and Williams. After hearing Wacks' oral testimony, the Independent Administrator found him to be a knowledgeable and trustworthy witness. Considering his multiple sources, their corroboration, and his demeanor, the Independent Administrator deemed Wacks a credible witness and his hearsay information reliable.

The Independent Administrator properly applied careful scrutiny to the Wacks affidavit and testimony before making his conclusion of reliability. As the trier of fact, the Independent Administrator was in the best position to judge the credibility and demeanor of Wacks as a witness, and the reliability of the information he offered. Considering the great deference to be given determinations of the Independent Administrator, his finding the information contained in the Wacks affidavit and testimony reliable hearsay was not arbitrary or capricious.

B. The Sufficiency of the Evidence

The Independent Administrator determined that there was just cause to sustain a charge that Senese violated Article II, §2(a) by knowingly associating with organized crime figures.

1. The Case Against Senese

Senese asserts the evidence relied on by the Independent Administrator was improper, unreliable, and insufficient to sustain the charges against him. Further, Senese contends that the Independent Administrator ignored his meritorious defenses and competent evidence. The challenges to the evidence now brought to this Court are the exact challenges raised by Senese before the Independent Administrator. The Independent Administrator rejected these challenges since he deemed the Wacks affidavit and testimony to be credible and trustworthy. His conclusion that there was just cause to sustain the charges against Senese on the basis of the evidence offered must be affirmed.

The evidence introduced by the Investigations Officer against Senese was considerable. Lonardo placed Senese with Joey Aiuppa, the boss of the Chicago organized crime family, and Jackie Cerone, that organization's underboss. Presser told the FBI that Senese was a member of the Chicago La Cosa Nostra code named "Big Banana," that Senese was a violent "animal," and that Senese assumed greater responsibility in the Chicago La Cosa Nostra organization when his supervisor Aiuppa went to prison. Williams told the FBI that Senese's local [703] was mob controlled. Senese was the victim of [a] shotgun-blast to the head attempt on his life. The FBI had previously warned Senese that a mob-related attempt on his life was planned. FBI surveillance photographs placed Senese with Jackie Cerone Jr., son of the incarcerated Jackie Cerone. The cooperating witness observed that Senese met in a restaurant on many occasions with Angelo LaPietra, who was a street boss in the Chicago La Cosa Nostra. That witness also observed that Senese met in that same restaurant with John DiFronzo, the current underboss of the Chicago La Cosa Nostra. There was also Wacks' conclusion as an expert, that based on the available information, Senese met the FBI's criteria to be considered a member of the Chicago La Cosa Nostra.

Senese challenges as unreliable hearsay the facts supplied to Wacks by Presser and Williams. He further argues that the deposition testimony of Lonardo that placed Senese with Aiuppa and Cerone should be rejected since Lonardo was available to testify at the disciplinary hearing. Senese purportedly challenges this evidence's sufficiency, but in reality questions its admissibility. Senese does not refute the substance of this evidence. This Court has already affirmed the Independent Administrator's determination that the evidence from Special Agent Wacks was credible. Since Senese may point to no rebuttal evidence, there is no further basis to find that it was arbitrary or capricious for the Independent Administrator to consider and give weight to this evidence.

Senese challenges three conclusions drawn by the Independent Administrator from the evidence. Senese (1) notes that Lonardo could not hear the substance of the conversation between Senese, Aiuppa, and Cerone, (2) questions the basis for the determination by the FBI that the persons he associated with were members of La Cosa

Nostra, and (3) asserts that the attempt on his life was not La Cosa Nostra related.

the

con

niz

Adr

Art

Tal

bro

cri

gra

wh

Ad

op

Ad

Ta

wa

Ad

ca

12

45

ist

of

th

Ta

Senese does not point to any facts in the record to support his assertion that Messrs. Aiuppa, Cerone, Cerone, Jr., DiFronzo, or LaPietra—the persons that he associated with—were not members of La Cosa Nostra. The Wacks affidavit and testimony indicate that each of these individuals were members of La Cosa Nostra in supervisory positions. There is no basis to suspect that these conclusions by the FBI are not correct.

Senese also challenges the conclusion by the Independent Administrator that the January 21, 1988 attempt on Senese's life was "mob-related." Special Agent Wacks indicated that the FBI warned Senese that from its own surveillance information, the FBI felt Senese's life may be in danger. Senese suffered a shotgun blast to his head, which he survived. Senese argues that some accounts indicated that the shooting may have been IBT, and not La Cosa Nostra related. The assertion by Senese that the shooting was related to his union duties is pure fantasy. Considering the evidence before the Independent Administrator, his finding the shooting mob-related was not arbitrary or capricious.

Senese next argues that the Independent Administrator failed to consider Senese's meritorious defenses. Senese claims that Article XIV, §3(d) of the IBT constitution bars his facing disciplinary charges stemming from conduct which occurred prior to his current term of elective office if the conduct was "known generally" to the membership. This Court and the Court of Appeals have ruled that Article XIX, §3(d) is only a bar to actions known generally to the membership, not allegations. See November 2, 1989 Order, supra, 725 F. Supp. at 165, aff'd (2d Cir., slip opinion, June 1, 1990); March 13, 1990 Order, supra, 735 F. Supp. at 517-18, aff'd (2d Cir., slip opinion, June 1, 1990); United States v. International Brotherhood of Teamsters, slip opinion, June 1, 1990, supra, at 25-26. Frank Wsol testified for Senese that the membership had reelected Senese despite public allegations of Senese's La Cosa Nostra involvement. The Independent Administrator determined that the membership of Local 703 reelected Senese with knowledge of the allegations against him, not his conduct, making this defense unavailable. That determination was neither arbitrary nor capricious.

Senese further argues that the Independent Administrator ignored the testimony of his character witnesses. Two of these witnesses testified that Senese had obtained benefits for the membership of Local 703. A priest testified to the good character and charitable nature of Senese. The Independent Administrator discounted the importance of this general character testimony to the charges. As the trier of fact, the Independent Administrator's judgments of the credibility and weight to accord witnesses' testimony must be given great deference. Further, even if given full credence, this character testimony does not refute the evidence offered to the substance of the charges. There is nothing in the record to indicate that the Independent Administrator's decision to give this character testimony little weight was arbitrary or capricious.

As the Independent Administrator carefully determined, the testimony from Special Agent Wacks supported the conclusion that Senese knowingly associated with organized crime figures. The evidence before the Independent Administrator supported his finding just cause to sustain the charges against Senese, and this determination was not arbitrary or capricious.

was

l to

one,

ted cks

ndi-

ory clu-

nd-

on

cks

wn

be

ad,

nts

not

the

sy.

in-

tor

ese

ars

uct

ice

cle

he

er,

n,

p,

ed

lip

se

ra

th

ed

ed

ce

1e

2. The Evidence Against Talerico

The Independent Administrator determined that there was just cause to sustain two separate charges of violating Article II, §2(c) and Article XIX, §6(b) against Talerico. Talerico argues both determinations were arbitrary and capricious.

a. Prior Criminal Conduct

The first charge proved against Talerico was that he brought reproach upon the IBT by being held in civil and criminal contempt for his refusal to testify before a federal grand jury investigating the skimming of funds from a Las Vegas, Nevada casino, after being granted immunity, while he was business agent of Local 727. The Independent Administrator determined that Talerico's refusal to cooperate with the federal investigation, coupled with the fact that he was held in criminal contempt and spent time in prison, constituted bringing reproach upon the union.

Talerico argues that it was unfair for the Independent Administrator to consider his refusal to testify before the grand jury as proof of his crime of criminal contempt. Talerico states that his criminal conviction for contempt was a plea *nolo contendere*. Rule 11 of the Federal Rules of Criminal Procedure bars the admission of such pleas against the person who pled *nolo contendere* as proof of

the underlying conduct.

The Investigations Officer argued, and the Independent Administrator agreed, that *nolo contendere* pleas were admissible in the hearing. Pleas of *nolo contendere* are admissible in labor arbitration hearings to establish just cause to find the charged party has committed the underlying offense. *In re Alpha Beta Co. and United Food and Convenience Workers, Local 770*, 91 Lab. Arb. (BNA) 1225 (1988); *Great Scot Food Stores*, 73 Lab. Arb. (BNA) 147 (1979); *The Great Atlantic & Pacific Tea Company*, 45 Lab. Arb. (BNA) 495 (1965). The Independent Administrator's determination in this regard was not arbitrary of capricious.

Talerico further argues that the Independent Administrator was arbitrary and capricious in sustaining the charges against him because he was not on notice that exercising his Fifth Amendment privilege could be violative of his IBT oath. The Independent Administrator considered the serious nature of the grand jury investigation, that Talerico had been granted immunity from prosecution, and Talerico's suspicious behavior during the period being investigated by the grand jury. Based on these facts the Independent Administrator determined that there was just cause to conclude that Talerico's refusal to testify brought reproach upon the IBT. The Independent Administrator

reasoned that an IBT officer refusing to cooperate with a grand jury investigating organized crime corruption would bring reproach upon the IBT. I cannot find that this decision was arbitrary or capricious.

b. Knowingly Associating With Organized Crime Figures

The Independent Administrator concluded that just cause existed to find that Talerico had violated Article II, §2(a) and Article XIX, §6(b) of the IBT constitution by knowingly associating with Philip Ponto, a member of organized crime, on five instances in 1981, and one in 1982. Talerico admits that he met with Ponto on the occasions identified by the Investigations Officer. However, Talerico challenges the finding of the Independent Administrator that Talerico knew that Philip Ponto was a member of La Cosa Nostra during 1981 and 1982.

The Independent Administrator relied on the affidavit of Special Agent Charlie J. Parsons, the FBI Organized Crime Supervisor for the Las Vegas Division. Special Agent Parsons supervised the investigation into the Las Vegas casino skimming scheme by the Chicago La Cosa Nostra. Special Agent Parsons indicated that Ponto was a member of the Chicago La Cosa Nostra at the time of the meetings in question. (Ex IO-2, ¶12). Special Agent Parsons averred that he personally observed Talerico meet with Ponto in Las Vegas, and the Las Vegas area. (Ex. IO-2, ¶8).

Talerico argues that his contact with Ponto did not constitute "knowing association" with an organized crime figure, since he claims that in 1981 and 1982 he was unaware that Ponto was affiliated with organized crime. Talerico offered no evidence to rebut Agent Parsons' conclusion that Ponto was a member of La Cosa Nostra. The record supports the Independent Administrator's finding that Ponto was a member of La Cosa Nostra at the time of his six confirmed meetings with Talerico.

Further, the extent of Talerico's contact with Ponto was sufficient to constitute "knowing association." The Independent Administrator determined that "knowing association" should be inferred from the "duration and quality" of the association. The Independent Administrator considered the evidence before him and concluded that Talerico knew or should have known that Ponto was a member of La Cosa Nostra. The Independent Administrator considered that Talerico's contact with Ponto was purposeful and not fleeting. Accordingly, the Independent Administrator determined that Talerico knowingly associated with Philip Ponto, a member of La Cosa Nostra.

The record supports the finding of the Independent Administrator. Special Agent Parsons averred that Talerico regularly travelled under assumed names between Chicago and Las Vegas to transport the illegally skimmed monies from Las Vegas to the Chicago organized crime families. It was admitted by Talerico that he met with Parsons on the occasions in question. Talerico has not refuted that Ponto was a member of La Cosa Nostra during the meetings in question. Special Agent Parsons concluded that on the basis of the observed meetings between Ponto and Talerico, and his selection to transport the monies between Chicago

Court Order (continued)

and Las Vegas, Talerico was a close associate of the Chicago La Cosa Nostra.

The unrefuted facts relied on by the Independent Administrator in reaching his determination that Talerico's association with Ponto was knowing, purposeful and not fleeting were sufficient to find the charges had been proved against Talerico. The Independent Administrator considered that Talerico travelled to Las Vegas to meet with Ponto under assumed names, the circumstances surrounding the meetings between Talerico and Ponto, that the meetings took place in rest areas, parking lots and grocery stores, and that the conversations were punctuated with exchanges of packages and envelopes. The Independent Administrator's determination was not arbitrary or capricious.

Talerico's other arguments are unpersuasive. There is no fundamental unfairness from being charged in 1990 for conduct that occurred in 1981 and 1982. Talerico's argument that his association under the charged circumstance with Ponto, an organized crime figure, cannot "bring reproach" upon the IBT is ludicrous. His assertion that these charges constitute vindictive prosecution by the Government is similarly absurd. That Talerico insists that his travel under assumed names was his "own business" is of no moment in refuting the evidence against him. The Independent Administrator correctly concluded that Talerico knowingly associated with an organized crime figure, namely Philip Ponto. This conclusion was not arbitrary or capricious.

C. Penalties Imposed by the Independent Administrator

1. Severity of the Penalty

The Independent Administrator imposed lifetime suspensions from the IBT on Talerico, Senese and Cozzo. Talerico and Senese argue that the severity of this penalty is out of proportion to their conduct. They argue that the penalty is not permitted by the LMRDA, 29 U.S.C. §504. They further assert that the Independent Administrator imposed severe penalties out of animus for Italian-Americans.

That the IBT has historically been tainted by corruption is beyond dispute. A review of the evidence indicates that Cozzo, Talerico and Senese were found to be engaging in the exact conduct that this Consent Decree intends to root out of the IBT. The evidence established that Senese was a member of the Chicago La Cosa Nostra. The evidence established that Talerico met with known organized crime figures under suspicious circumstances and opted to spend a period of time in prison rather than testify before a grand jury investigating corruption. The evidence established that Cozzo was a member of the Chicago La Cosa Nostra. Such behavior is antithetical to any standard of appropriate conduct for a union officer. Accordingly, the penalty imposed by the Independent Administrator is neither arbitrary nor capricious. Finally, it is well within

the power of the Independent Administrator to impose lifetime suspensions, since §101(a)(5) of the LMRDA contemplates that a union member may be "fined, suspended or *expelled*" by that union. 29 U.S.C. §411(a)(5) (emphasis added). As a result, 29 U.S.C. §504 is inapplicable.

Senese and Talerico argue that this Court should review a lifetime suspension from the IBT with greater scrutiny than other determinations since such a penalty is in essence a "death penalty." The Consent Decree does not provide for any greater review of a penalty determination than any other action of the Independent Administrator. But that is of no matter, since this Court has and will continue to review every determination of the Independent Administrator with great care and diligence. Given that the goal of the IBT is to be free of the hideous influence of organized crime, the Independent Administrator's decision that a lifetime suspension was the appropriate penalty was not arbitrary or capricious.

Finally, Senese and Talerico posit that the Independent Administrator imposed more severe penalties on them than on Friedman and Hughes out of a bias against Italian-Americans. There is not one iota of evidence in the record to support this wild and desperate assertion by Senese and Talerico. Such irresponsible statements by parties and counsel are unprofessional, and bespeak complete incompetence.

2. The Inclusion of Health, Welfare and Pension Benefits

The Independent Administrator asked this Court to clarify his power to terminate health and welfare benefits of IBT members as part of any penalty he imposes. The prudent procedure for this Court to consider this question is for the Independent Administrator to first decide the question after full briefing from the parties, and then submit that determination to this Court for review.

III. Conclusion

The decisions of the Independent Administrator with respect to the sufficiency of the charges against Senese, Talerico, and Cozzo are hereby affirmed. The decisions of the Independent Administrator that Senese, Talerico, and Cozzo should be given lifetime suspensions from the IBT are hereby affirmed. The question of whether the penalties imposed on Senese, Talerico, and Cozzo should include the termination of health and welfare benefits is returned to the Independent Administrator for a determination. The stay on the imposition of the other penalties is hereby dissolved, and they shall be effective immediately.

SO ORDERED.

DATED: NEW YORK, NEW YORK AUGUST 27, 1990

/s/ Luga Face Cus U.S.D.J.

 $^{^{2}}$ As noted earlier, Cozzo defaulted by not appearing at his hearing before the Independent Administrator, and failed to appear before this Court.



It's No Holiday For U.S. Troops and Hostages.

Dedicate a Labor Day of Support for Americans in the Persian Gulf.

This Labor Day, we give unwavering support to our nation, our troops and our fellow citizens taken hostage in Iraq and Kuwait.

IRDA susa)(5)

s in not attor, will dent that ence de-

lent nem ian-

and and

om-

fits

to fits 'he

he

en

th

ie.

of

nd

BT

The International Brotherhood of Teamsters — from the General Executive Board to the rank and file members all over America — urge you to join us in a public demonstration of unity on Support U.S. Troops and Hostages Day, Monday, September 3, 1990.

Teamster members from coast to coast will wear blue and yellow ribbons — blue for the military, yellow for the

hostages — as lapel pins or armbands. And they will turn on the headlights of their vehicles when driving around town or on the highways.

These actions will not bring the Americans home. But they will demonstrate to the world that we are committed to our fellow citizens, and determined to achieve our urgent mission overseas.

As you observe a holiday that recognizes working people and the labor movement, take time out to remember those who cannot celebrate with us.

Support U.S. Troops and Hostages Day. Monday, September 3, 1990.



THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

William J. McCarthy General President

Weldon L. Mathis General Secretary-Treasurer

and Members of the General Executive Board

Catch the Spirit!

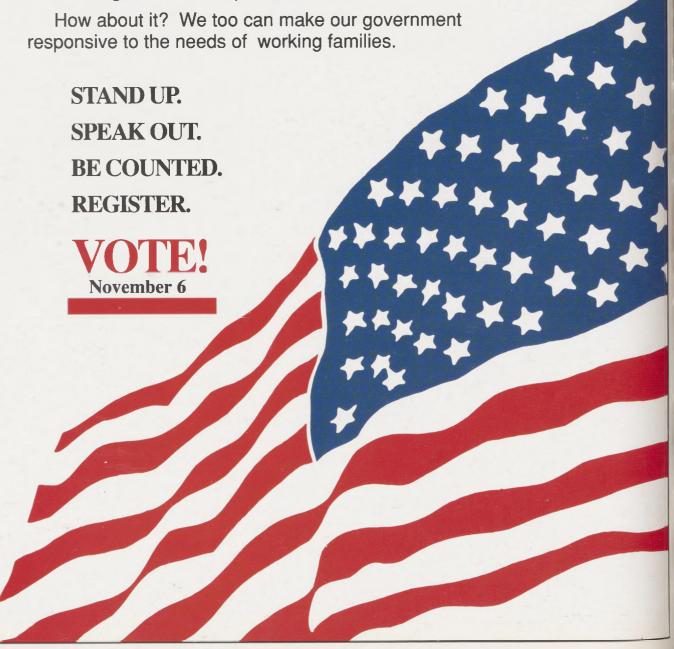
THE

NOV

The spirit of democracy is ablaze from Central America to Eastern Europe, the Soviet Union, and Asia.

Brave and determined people around the world are challenging tanks and armies to win their democratic rights.

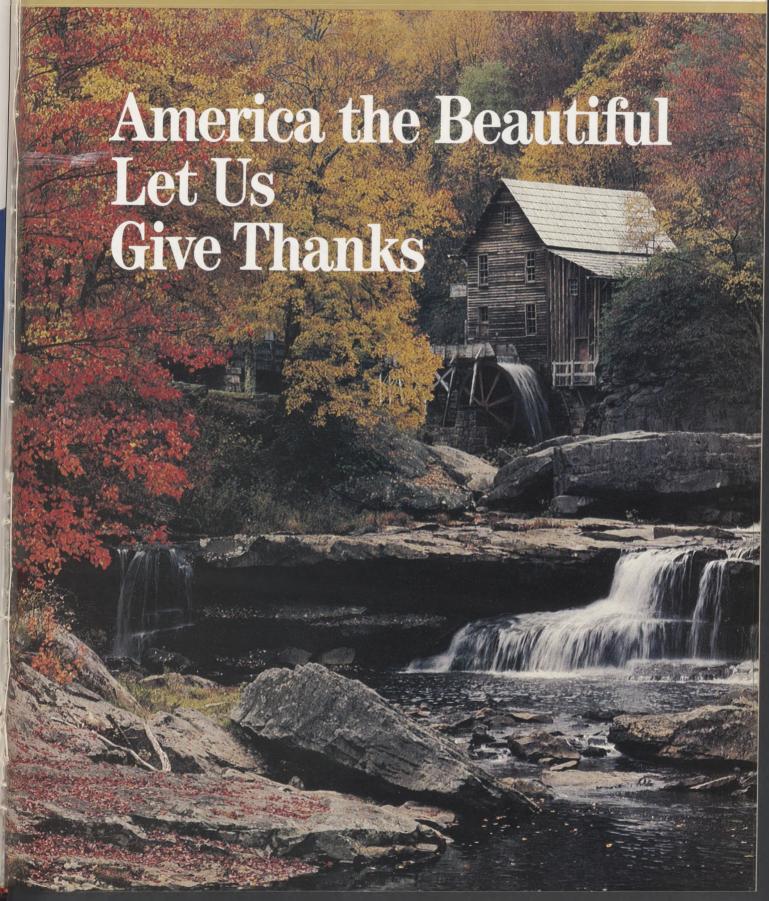
The right to speak out, to dissent, to have a voice in government is precious.



THE INTERNATIONAL NOVEMBER 1990

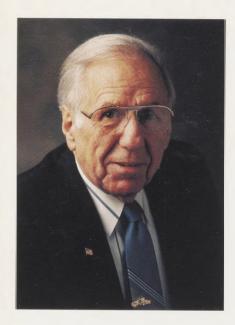
TEANSTER





THE PRESIDENT'S

MESSAGE



he Teamsters Union will deliver for you." That is the message organizers are conveying to workers across the U.S. and Canada, as we continue our efforts to spread the benefits of Teamster membership to as many workers as possible. Organizing is critical to the growth and strength of the IBT and remains a top priority of my administration.

Workers inherit 87 years of fighting history, when they vote to join the Teamsters Union. Hauling the nation's goods with teams of horses, freight drivers worked long hours for little pay, when the Union was founded in 1903. At the turn of the century, team drivers in San Francisco earned only \$2.00 for a workday that lasted 12–18 hours.

Only through decades of tough bargaining and vigorous organizing by the Teamsters Union have workers in the organized portion of the freight industry attained the standard of living that they enjoy today.

Wages have more than tripled for Teamster over-the-road drivers

since the first National Master Freight Agreement was negotiated in 1964. The purchasing power of these Teamster members has improved greatly as pay increases have stayed well ahead of rising prices, even through the high-inflation years of the 1970s. Teamster over-the-road drivers now earn more than \$20,000 above the average pay for all U.S. production workers.

The Teamster advantage, however, extends well beyond the freight industry. We have always been there, for any group of workers in any industry, to deliver the wages, benefits, and working conditions that have come to characterize the Teamsters as the strongest, most effective labor union in the world.

White-collar workers, public employees, industrial workers, health care professionals—they are all benefiting from the representation of expert Teamster negotiators and business agents. U.S. Department of Labor data shows that, on average, union workers earn \$125 per week more than their nonunion counterparts. Moreover, union workers have far better health coverage, pension programs, and other benefits than unorganized workers.

We have seen that the Teamsters Union can deliver the economic benefits that workers need to provide for themselves and their families. At the same time, we are also negotiating contracts and policing those agreements to guarantee that working people have dignity and respect on the job. Now we must spread this message to nonunion workers everywhere.

Sticking to the fundamental principles of trade unionism, which I believe will be the enduring legacy of my stewardship of the Teamsters Union, we at the IBT's head-quarters are tailoring the Union

message to address the wants and needs of today's workers.

The Teamsters Union is currently involved in the labor movement's two largest representation campaigns: for 12,000 employees of Overnite Transportation, and 8,000 fleet service workers at USAir. Both are national campaigns, with workers living and laboring at hundreds of locations across the U.S.

Others might shrink from challenges of this magnitude, but that is not the Teamster way. Because the campaigns are so widespread, we will win only if every affiliate of the IBT commits its resources and talents to the fight. We need the kind of total team effort that has made the Teamsters Union legendary for its organizational effectiveness. To achieve our goals, Teamster leaders must put aside any political differences they may have and do what is good for the Union: Organize!

Ge Ex Bo Wilder State St

Every Teamster member and every officer has a role to play and contributions that he or she can make. Talk to the USAir and Overnite workers; they are your friends and neighbors in hundreds of cities and towns. Share your experiences as a union member, and let them know that they can improve their lives by joining the Teamsters Union.

I am confident that, working together, we can put together an unbeatable team that can organize any group of workers, no matter what size. To provide a solid foundation for the future of this Union, it is vitally important that we are successful.

Fraternally,

Welliam J. McCarthy

William J. McCarthy

General President

TEANSTER TO SERVICE

Official magazine of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFt-CIO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



nd

irveon

es

nd

ir.

th

at

ne

at

se

d, te

d

at

Executive Board WILLIAM J. McCARTHY General President 25 Louisiana Ave., N.W. Washington, D.C. 20001 WELDON L. MATHIS General Secretary-Treasurer 25 Louisiana Ave., N.W. Washington, D.C. 20001 JOSEPH TREROTOLA First Vice President 265 W. 14th St., Rm. 1201 New York, New York 10011 JOSEPH W. MORGAN Second Vice President 1250 E. Hallandale Beach Blvd. Hallandale, Florida 33009 EDWARD LAWSON Third Vice President 29260 Taylor Rd. Mt. Lehman, B.C., Canada VOX IVO ARNIE WEINMEISTER Fourth Vice President 553 John Street, Room 28 Seattle, Wash. 98109 WALTER SHEA Fifth Vice President 25 Louisiana Ave., N.W. Washington, D.C. 20001 JACK D. COX Sixth Vice President 450 Carson Plaza Drive Carson, California 90746 DON L. WEST Seventh Vice President 50 Bagby Drive Birmingham, Alabama 35209 MICHAEL J. RILEY

Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwix St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago, Illinois 60607
PRANCIS W. HACKETT
Eleventh Vice President
544 Main Street
Boston, Mass. 02129

R.V. DURHAM
Twelfth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
MITCHEL LEDET
Thirteenth Vice President
2207 Royal Street
New Orleans. Louisiana 70177
GEORGE J. VITALE
Fourteenth Vice President
1625 Fort Street

Fourteenth Vice President 1625 Fort Street Wyandotte, Michigan 48192 JACK B. YAGER Fifteenth Vice President 801 E. 63rd Street—Suite 208 Kansas City, Missouri 64113 November 1990

Volume 87, No. 11

- 2 General Executive Board Meets Holds fourth quarterly session
- 5 Washington Teamsters Seek Health Reforms Members support governor's quest for cost control
- 6 Civil RICO Examined by U.S. Senate Subcommittee recommends guidelines
- 8 Transportation Trades Department Convenes Inaugural convention brings together industry experts
- 10 USAir Workers Get New Election National Mediation Board orders voting rerun
- 14 Canadian Teamsters Join with Union Allies

 Joint action seeks to protect trucking industry
- 19 Union Seeks Hazardous Materials Training Safety and Health Department testifies before Senate
- 22 Overnite Campaign Emphasizes Pensions Organizers find benefit formula excellent organizing tool
- 24 Report XVII to Teamster Members
 A message from the Independent Administrator
- 29 Order of the Court Ruling of Judge Edelstein



2



8



10

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average impartial surveys of periodicals). It is the largest labor publication in the weeds.

the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Trustees
BEN LEAL
185 Berry St., Suite 3510
San Francisco, Calif. 94107
ROBERT G. DERUSHA
650 Reason St. Suite 501

ROBERT G. DERUSHA 650 Beacon St., Suite 501 Boston, Massachusetts 02215 HAROLD J. YATES 320 University Avenue, W. St. Paul, Minnesota 55103

GEB Meets in Quarterly Session, Hears Findings of Free Trade Committee

egislative initiatives, the upcoming IBT Convention, and progress of the U.S./Canada Free Trade Agreement Committee topped the daily agenda of the Teamsters General Executive Board, meeting October 8–10 in Palm Beach Gardens, Florida, for its fourth quarterly session of the year.

General President William J. McCarthy opened the Monday morning session with his report to the Board, detailing his meetings, appointments, and activities since the GEB last convened. He reported that he had met with members of Congress to urge them to join in an effort to pass replacement worker legislation in the new session of Congress. "Many members of Congress," McCarthy stated, "are now viewing this Teamsterbacked concept as the most important labor issue of the 1990s." He also reported on the current negotiations with Pan Am Airlines and the upcoming USAir vote.

General Secretary-Treasurer Weldon L. Mathis updated Board members about the financial status of the Union.

GEB Members Updated On Transportation, Trade

Vice President Walter Shea gave a comprehensive report on the inaugural meeting of the new AFL-CIO Department of Transportation



The IBT General Executive Board held its fourth quarterly session of the year.



U.S./Canada Free Trade Agreement Committee Chairman Ron Owens (center) and Ron Douglas (right) reported their findings to members of the GEB. General President McCarthy is seated, left.

Trades, which was held in early October in Washington, D.C. Shea, who serves as Secretary-Treasurer

of the Department, announced that several resolutions were endorsed, including support of replacement



(From left): International Vice Presidents Mike Riley and Mitch Ledet.



Convention Chairman Larry Parker updated the GEB about plans for the '91 event.



International Trustee Ben Leal (left) and International Vice President Arnie Weinmeister.

worker legislation, the USAir campaign, deregulation, and the Highway Authorization Bill.

Local 299, Detroit, Michigan, President Ron Owens and Director of Research and Legislation for the Canadian Conference Ron Douglas, who both serve as members of the U.S./Canada Free Trade Agreement Committee, reported the findings of their committee to the Board. With the Teamsters being the only labor union to investigate this important aspect of trade which would affect many jobs, their findings and recommendations are important to the entire membership. (See box.)

Convention, Legislation Top Daily Agenda

A comprehensive report on preparations for the IBT's 24th International Convention, scheduled for June, 1991, was presented by Convention Chairman Larry Parker, president of Local 385, Orlando, Florida. On-location arrangements are being firmed up at Walt Disney World in Orlando, the site of the '91 convention, Parker reported.

A legislative report was given to GEB members by IBT Director of Legislation David Sweeney. Sweeney reviewed key Congressional races in the upcoming November (Continued on next page)



General President McCarthy (left) and General Secretary-Treasurer Weldon L. Mathis.

Free Trade Agreement Committee Meets



On September 19, 1990, at International headquarters in Washington, D.C., the Teamsters U.S./Canada Free Trade Committee put the final touches on the Committee's report to the General Executive Board. (From left, foreground): Committee member David P. Kozak, secretary-treasurer of Vancouver, British Columbia, Local 464; Committee Cochairman Joseph P. Contardi, president of Hamilton, Ontario, Local 879; and Committee Chairman Rondal C. Owens, president of Detroit, Michigan, Local 299. (From left, background): President Robert Piccone of South Portland, Maine, Local 340; Canadian Conference Research and Legislative Affairs Director Ronald Douglas; and IBT Chief Economist Norman Weintraub, who serves as staff to the Committee.

he Teamsters U.S./Canada Free Trade Agreement (FTA) Committee recently recommended in its report that the IBT General Executive Board of the International Brotherhood of Teamsters continue to monitor carefully the international trade situation and developments in both the United States and Canada.

The Committee also recommended that the GEB take the following action: Direct the appropriate Legislative Department of the Teamsters Union and its affiliates in both the U.S. and Canada, as well as other IBT affiliated departments, as needed, to closely coordinate their activities to ensure that further FTA and related international trade activities in both nations will not adversely affect the Teamster membership and other workers in the U.S. and Canada; support the enactment of a comprehensive National Health Insurance Plan in the U.S.; establish a Teamsters Joint U.S./Canadian Committee to develop a joint response to the Mexico/U.S. Free Trade Proposal; and develop, with other unions, a fair and viable program of foreign trade related "compensation." The findings of the Committee stressed that the IBT take a leadership role with the AFL-CIO, the Canadian Labour Congress, and the Canadian Federation of Labor in developing a joint U.S./Canadian Labor Program and response to the Mexican Free Trade initiative and other international trade developments; and that the IBT Joint Committee develop contacts with Mexican labor unions, particularly in the trucking, food processing, and other key manufacturing sectors.

GEB Meets (Continued)



International Vice Presidents Joe Trerotola, Teddy Cozza, and Dan Ligurotis.

elections, and stressed that Teamster DRIVE, the IBT's political action committee, would be supporting legislators who have demonstrated their support for Teamsters' concerns. Sweeney also reported to the Board up-to-theminute developments in budget talks on Capitol Hill, and how budget cuts might affect Teamster interests. Additionally, he reported on the status of replacement worker legislation, a key IBT issue for the months ahead.

In another report, F.C. Duke Zeller, IBT director of communications, discussed findings from the Fairness and Accuracy in Reporting (FAIR) group which alleges that the U.S. media devotes little or no attention to labor members. their concerns, or their jobs conditions. The study concludes that, "the lives of 100 million working people are being routinely ignored. marginalized, or inaccurately portrayed in the media." The study, which includes media coverage of the Teamsters, concludes that "labor is not being given appropriate attention by the media, and is therefore hurt in its goals and aims, from negotiating to organizing." Zeller reported that further details will be provided to the membership in a future issue of The International Teamster.

Other reports to the Board included a legal report from IBT General Counsel James T. Grady and an update on the Overnite organizing campaign by Coordinator Sam Stintsman.



International Vice Presidents Don West and Ed Lawson.



Canadian Conference Director Louis Lacroix and International Trustee Robert DeRusha.

Local 808, Woodside, NY, Proud of Railroad Workers

ne well-kept secret of the Teamsters Union is the existence of 750 railroad workers, the track and structures employees of Metro-North Commuter Railroad who elected to join Teamsters Local 808 in Woodside, New York, in 1983.

These Teamsters had the task of rebuilding the long neglected tracks, railroad yards, and passenger stations, including the historic Grand Central Station renovation. Due, in part, to Teamster efforts, Metro-North today is the second largest and the fastest growing suburban commuter railroad.

These feats were accomplished in large part by Local 808 members who work in the installation of wooden and concrete ties and the surfacing of these tracks. This has enabled the railroad to run trains at an average eighty miles per hour between Grand Central Station and the outer suburbs of New York and Connecticut.

In June, 1990, contracts were ratified and signed, ending four and one-half years of struggle with the railroad. The contracts call for eight and one-half million dollars in retroactive pay. The contracts, covering two periods, 1986–1988, 1989–1991, provide for an adjustment in the wages to foremen, addressing a historic inequity. It brings their pay to \$18.01 per hour, beginning January, 1991. A 29½ percent wage increase covering the contract period was also included.

A new pension plan, which supplements the workers' Railroad Retirement benefits, was also included in the final package.

The struggle included suing the National Mediation Board and job actions involving an emergency safety strike. The struggle is not yet over, as the local intends to intensify its efforts in the next round of bargaining for improvements in wages and benefits.

Local 808 goes a long way toward making the Teamsters an encompassing transportation union involving air, road, and rail. Only when transportation workers are united, will transportation workers be able to extract their fair share.

Washington Governor Gets Teamster Support On National Health Care Reform Proposals

ealth care is well on its way to becoming the most difficult collective bargaining issue of the '90s. Insurance premiums are increasing at an annual rate of 18 to 30 percent and, in the process, straining employer resources to the breaking point. This runaway inflation is moving basic health care beyond the reach of a growing number of working families and bringing many union retirees to the brink of financial ruin.

Millions of Americans Have Little or No Coverage

The United States spends \$2 billion a day, or 11 percent of its GNP, on health care, yet 50 million citizens have only minimal, substandard coverage. Another 37 million have no coverage at all. The U.S. spends an average three percent more on health care than any other industrialized nation, while one third of the nation's children are not getting routine immunizations. Additionally, 40,000 babies are dying each year because of inadequate care.

In negotiation after negotiation

across the country, the Teamsters Union is being confronted with the necessity of pouring any potential financial gains for members into simply maintaining existing benefits. Such demands are placing an intolerable strain on the collective bargaining process.

Teamsters in Washington Active on the Issue

The Teamsters in Washington State, under the direction of International Vice President Arnie Weinmeister, have been particularly active on this issue. Washington has become a focus for health care reform, because Washington State Governor Booth Gardner is the current head of the National Governors' Association (NGA). He has chosen health care as the NGA's number one issue during his term of office.

Governor Gardner has asked and received strong Teamster backing for his efforts. Joint Council 28 Coordinator Cindy Zehnder has been appointed to the newly created Health Care Commission, whose task will be to propose to the Washington State Legislature

new laws to assure both improved access and cost control. Washington Teamsters also participated in a National Governors' Association conference on health care reform.

Recently Governor Gardner spoke to a statewide gathering of Teamster delegates to tell them about his plans and to thank them for their support. He said that the alternative to fundamental change in the health care system is "disaster for both federal and state budgets, and a disaster for wage-earning American families."

He also told the delegates that he sympathized with the problems facing them at the bargaining table where "employers and unions are going into shock over the cost of maintaining existing benefits." The Governor also called for action on "the three key areas of cost control, improved access to care, and improved quality of care."

Governor's Remarks Get Enthusiastic Response

Governor Gardner's remarks were enthusiastically received by the Teamster delegates. Weinmeister thanked him for his pioneering work on this issue and called our current national health care system a "national shame" reiterating Teamster support for the Governor's efforts. Weinmeister said the Teamsters would do everything within their power to make access to health care "a right of every American."

At the national level, Teamsters have joined with other AFL-CIO unions to call for a complete overhaul of the health care system on the 10 principles of universality, public accountability, affordability, comprehensiveness, equitable and progressive financing, fairness, portability, cost containment, quality assurance, and public/private administration.



International Vice President Arnie Weinmeister (left) and Washington State Governor Booth Gardner at September's Joint Council 28 meeting in Seattle, Washington.

Senate Subcommittee Reviews

Use of Civil RICO against Unions

n follow-up action to hearings held last year that focused on the use of civil RICO penalties against labor unions, the Senate Permanent Subcommittee on Investigations has released a report recommending that the U.S. Department of Justice develop specific guidelines to "insure that this powerful statute is not misused in undeserving cases by overzealous prosecutors."

The report, which comments extensively on the consent decree entered into by the IBT and the Justice Department, cautions prosecutors that "the potential impact" of advancing civil RICO charges "goes far beyond" the normal punishment called for in laws typically used for criminal prosecutions of labor law violations.

Characterizing the government's monitoring of labor unions as "something clearly unprecedented in law enforcement efforts in this country," the Senators serving on the Subcommittee suggested that "the Attorney General should improve and expand Justice Department efforts to familiarize prosecutors and investigators" with the potential uses and abuses of civil penalties in RICO cases.

While embracing the concept of using civil RICO to confront organized criminal activity, the Subcommittee said that "the Attorney General should issue written policy standards clearly defining those circumstances in which the filing

of a civil RICO suit by the Government is appropriate."

Direct Supervision A "Drastic Remedy"

"The injection of direct Government supervision over the operations of labor unions or commercial entities is a drastic remedy to be used only in the most extreme and egregious cases," the report continues.

"Absent some clearcut limitations on the use of this remedy, there is valid public concern that the tremendous power which the statute offers may be abused," the Senators concluded. Current Justice Department guidelines "are confined to legal advantages or disadvantages for the prosecutor; i.e.: differences in the burden of proof, discovery, venue, etc.," according to the report.

Sensitive to violating the democratic nature of trade unions, the report says, "In the case of labor unions, the Department of Justice should study and consider the feasibility and potential effectiveness of alternative remedies for the Government, short of the imposition of a civil RICO trusteeship.

Removal of Officers An "Extreme Remedy"

"A trusteeship is clearly an extreme remedy in the case of a labor union in that it entails the removal of the elected officers of the union. A non-elected, court-appointed trustee is installed to run the day-to-day operations of the union."

Witnesses representing organized labor at the Subcommittee's hearings strongly condemned the threatened removal of elected union officers and direct Government control of union operations under RICO. AFL-CIO President Lane Kirkland told the Senators that, "Government-dominated trade

unions, no matter what the excuse, are contrary to every precept of freedom of association."

"Government control of a private association is thus fundamentally illegitimate in that the officials who exercise control are not drawn from, are not selected by, and are not responsible to the association's members," he concluded.

In a joint statement prepared for the Subcommittee, Teamsters General President McCarthy and IBT General Counsel James T. Grady commented on the Government's RICO suit against the IBT. The Teamsters suggested three amendments to the RICO statute. First, that RICO be altered to preclude the "... wholesale removal of a union's elected officers and their replacement for an indefinite pe-



"The injection of direct Government supervision over the operations of labor unions . . . is a drastic remedy to be used only in the most extreme and egregious cases."

riod, by a court-appointed trustee." Second, "... that the law be made clear that such a trusteeship, in any form, not be imposed unless and until there has been a full and final evidentiary hearing and the Government has demonstrated, by clear and convincing evidence, that the interests of union members cannot be protected by any less intrusive means." And third, "... that RICO be clarified so that no union is precluded from using its resources to hire legal counsel to defend itself or its officers."

McCarthy and Grady testified at the hearing that in the RICO suit against the Union, the Government threatened to file a motion enjoining the IBT from paying its officers' attorneys' fees. With the lawyers facing a long trial "without the slightest notion of whether or not they would be paid," Grady contended that "such a situation cannot help but impact the adequacy of their defense."

Senator Sam Nunn (D-GA), chairman of the Subcommittee, commented that "as a lawyer, it does seem to me that a lawyer who fears he is not going to get paid because of the Government position, denying attorneys' fees, has extraordinary incentive to settle a case if, by settlement, the Government agrees that he can get paid."

The Subcommittee report concludes: "The Department of Justice should review its policy and practice in this area and take steps to avoid this type of situation in future cases."

Other issues of concern about RICO covered in the report included observations that "civil RICO cases have been filed only in a relatively limited geographical area on the Eastern seaboard, and, in the overwhelming majority of cases, against labor unions, as opposed to other types of business or commercial entities."

Replacement Worker Legislation Gets Boost from JC 55



During the United Paperworkers International Union (UPIU) legislative conference in Washington, D.C., UPIU delegates were joined by members of the Carpenters Union, Graphics Communications Union members, a delegation of Electronics workers, and other unionists in a rally and march to the White House, demonstrating labor's concern over the growing number of employers who have permanently replaced workers exercising their legal right to strike. Pictured are members from Teamsters Joint Council 55, Washington, D.C., at the anti-strikebreaker rally.

Chamber of Commerce Goes Teamster



(From left): Local 287 member Art Alvarado, Secretary-Treasurer Mario Gullo, and member Augie Reyes. Alvarado and Reyes work for the Santa Clara, California, Chamber of Commerce, which operates a new, multimillion dollar convention facility in the San Jose/Santa Clara Valley. This is the first time that the Teamsters have scored an organizing victory in a unit of the historically anti-union Chamber of Commerce. The bargaining unit won by the Teamsters includes the building service employees, who were the recipients of a nearly 35 percent wage and fringe benefit increase, thanks to successful contract negotiations by the local. The contract covers a term of 28 months.

Transportation Trades Department, AFL-CIO,

Holds Inaugural Convention

osting high-level delegates from trade unions, federal agencies, and many other associations with an interest in the various modes of transportation in the United States, the Transportation Trades Department of the AFL-CIO held its Inaugural Convention on October 2–3, 1990, in Washington, D.C.

The Transportation Trades Department, AFL-CIO (TTD), is one of nine constitutional departments of the AFL-CIO and represents the interests of millions of unionized transportation workers employed in the various transportation modes.

The TTD's goal is to provide its affiliates and their members with an effective voice in Washington, D.C. It is equipped with the resources and expertise necessary to address the national concerns of transportation workers and all working women and men in America. A major duty of the Department is to protect transportation workers' rights under federal law and to advance transportation labor's national legislative agenda in the halls of the U.S. Congress.

From virtually every labor organization with members in the



U.S. Department of Transportation Secretary Samuel K. Skinner (left) and International Vice President Walter J. Shea, secretary-treasurer of the AFL-CIO Transportation Trades Department.

transportation industry, the delegates converged on the Washington Court Hotel in the nation's capital to confer with federal agency heads, members of Congress, and with experts in the transportation field.

Convention Committee host John F. Peterpaul, international vice president of the International Association of Machinists, opened the Convention and introduced TTD Secretary-Treasurer Walter J. Shea,

Teamsters International Vice President, and TTD President Richard I. Kilroy, Convention chairman.

President Kilroy discussed how the TTD would help create a stronger force of working people in the efforts to advance the concerns of the transportation industry and the lives of millions of working men and women. "After more than a decade in which our transportation system was put on hold, and the rights of its workers were assaulted time and time again, we meet here today with many issues of mutual concern," he stated. Kilroy blasted the White House for turning its back on the nation's desperate need to modernize and upgrade the multi-modal transportation network.

Teamsters Vice President Shea discussed the direct correlation of the nation's transportation network to national security. He also praised the TTD as "probably one of the most formidable groups ever formed in organized labor—it touches every American."

AFL-CIO President Lane Kirkland addressed the delegates, and commended the TTD, stating, "I'm confident that the Transportation



San Francisco, California, Joint Council 7 President Chuck Mack poses hard-hitting questions to Secretary Skinner.

Trades Department will be at the forefront of our efforts to create new methods and new approaches aimed at securing trade unionism's future role in an increasingly diversified and multi-modal industry."

Congressman James L. Oberstar (D-MN), who chairs the Subcommittee on Aviation of the House Committee on Public Works and Transportation, was on hand to share his insights with the delegates. Oberstar, a pro-labor member of Congress, recounted his own early experiences as part of the labor movement, and referred to the anti-labor governmental policies of the 1980s as "industrial despotism." He praised the TTD and offered his support in the TTD's efforts to better represent working men and women in all of the transportation trades.

Also bringing greetings and congratulations to the TTD's delegates was U.S. Secretary of Labor Elizabeth Dole. Praising the efforts of TTD President Kilroy and Secretary-Treasurer Shea, Secretary Dole emphasized transportation safety

throughout her well-received remarks. Dole also discussed the Labor Department's unemployment assistance program and its effectiveness in the United States as well as its being used as a prototype for such an assistance program in Poland.

U.S. Transportation Department Secretary Samuel K. Skinner was in attendance to discuss the transportation sector and organized labor in the industry. Emphasizing expanding competition in the global economy and how the nation's transportation system has given the U.S. an invaluable advantage over other nations. Skinner expressed his hope that "management, designers, builders, and unions should work together in order to improve efficiency." He also mentioned the importance of the Interstate Highway System to the nation's competitiveness.

Following Secretary Skinner later during the Convention, U.S. Senator Brock Adams (D-WA), a member of the Senate Labor Committee and a former Secretary of Transportation from 1977–1979, up-

dated the delegates on the Highway Authorization Bill currently under consideration by the Congress. He also explained in great detail the importance of upgrading the entire nation's transportation infrastructure. He pledged to support the TTD's efforts in the transportation industry, and he commended the expertise and commitment of the TTD delegates and officers.

In addition to hearing from the many VIPs and from a number of experts in the industry, the delegates considered reports from the TTD Credentials, Rules, and Constitution Committees. A number of important resolutions were presented, and the delegates, after debates and discussions, passed them unanimously.

Confident in its status as one of the most important and influential groups in the entire transportation industry, the TTD delegates left their Convention with a realistic anticipation for having a greater role in transportation policy-making, and in parlaying this role into more effective representation of workers throughout the industry.

Local 509 Welcomes New Members



After nearly four years of determined efforts, 46 employees of Cablevision of Columbia (CCTV) are finally working under a Teamster contract. An election victory in 1987, followed by many National Labor Relations Board charges, a Fourth Circuit of Appeals Award and Order, two owners, and current open charges with the National Labor Relations Board, Teamsters Local 509 in Cayce, SC, finally achieved a signed contract settlement. The settlement included a 13-month retroactive pay increase. Local 509 wishes to recognize and thank the Eastern Conference of Teamsters for its help and support in this long struggle and solid victory for the labor movement, and the employees of CCTV. (Pictured from left): Harry Cornish, Clay Theodore, Ed White, Grace Moore, Curtis Ocenas, and Mark Feigh.

New Election Is Ordered

For 8,000 USAir Workers

he National Mediation Board (NMB) has ordered a second union representation election for more than 8,000 USAir fleet service employees after ruling that the first election, held last winter, was tainted by illegal company interference.

Mail ballots in the new election go out October 31. They must be returned by December 12, when they will be counted.

"This was a landmark decision," said Airline Division Director Bill Genoese. "The company spent more than \$40 million to beat the Teamsters in the first election.

"USAir forced the workers to attend captive-audience meetings on the job. It sent out tons of antiunion propaganda, and it even sent videotapes to the workers at their homes."

Union Hurt By NMB Rule

The IBT was the only union on the ballot in the first election, but under the National Mediation Board's rules, an election is invalid unless 50 percent-plus-one of all the eligible voters cast ballots for union representation.



In a recent meeting at IBT headquarters in Washington, D.C., General President William J. McCarthy (standing, center) pledged 100 percent support for a Teamsters Airline Division campaign to bring 8,200 USAir fleet service employees into the Union. Chairing the meeting was Airline Division Director Bill Genoese (standing left).

The Board initially ruled that the Teamsters lost the election, because the Union failed to get the votes of 50 percent-plus-one of the workers.

However, the Teamsters protested that the election was tainted by company interference.

The Board upheld the Union's argument and said:

"The carrier has followed an aggressive campaign of opposition

to the IBT ... The board cannot sanction the totality of the actions and practices carried forward here ... Therefore, because the board finds that the carrier, through the totality of its conduct, has tainted the laboratory conditions necessary for a fair election, remedial action must be taken."

The Airline Division did not get a mailing list of the workers in the first election. They are scattered in 130 cities from coast to coast. The NMB, however, ordered the company to give the Union a complete mailing list in advance of the second election.

Workers Protest Election Injustice

Hundreds of the fleet service employees contacted their Senators and Congressmen to protest the injustice of the 50 percentplus-one rule.

"Nowhere else in the United States are elections conducted this way," said Genoese. "The country would never elect a President or a member of Congress, if they had



Representative Glenn Anderson (D-CA), chairman of the House Committee on Public Workers and Transportation, listens to Airline Division Director Bill Genoese's plea for Congressional oversight hearings on the National Mediation Board's union representation election rules. The Airline Division is fighting for a simple yes or no ballot in the NMB election for more than 8,000 USAir fleet service employees. (From left): Paul Schlesinger and Kathy Hoffman, staff to Congressman Anderson; Congressman Glenn Anderson; Division Director Genoese; and IBT Director of Legislation David A. Sweeney.

to get the votes of 50 percent plusone-of all the eligible voters in order to win."

Genoese and representatives of the IBT's Legislative Department have met with a number of key senators and representatives to ask for Congressional oversight hearings on the 50 percent-plus-one rule.

"What we want," Genoese said, "is a yes or no ballot, with the issue of union representation being decided by a simple majority of the workers who cast ballots. That's the democratic way. That's the way all our other elections are conducted. The government keeps asking for fair and democratic elections in Latin America and Eastern Europe. Why not have a fair and democratic election at USAir?"

The fleet service group includes ramp service, air freight, operations, and catering employees. The Airline Division has represented fleet service workers in Pittsburgh, Philadelphia, Boston, and Buffalo for 10 years.

After USAir merged with Pacific Southwest Airlines in 1988, the NMB ordered a system-wide election. The Teamsters won. Last winter's election was ordered after USAir merged with Piedmont Airlines.

The Airline Division's new campaign has the full support of President Lane Kirkland of the AFL-CIO as well as the 100 percent backing of General President William J. McCarthy. The other unions on the USAir property are also supporting the Teamsters.

"The fleet service workers have to have union representation and a written contract," Genoese said. "The company is planning big layoffs. The Teamsters cannot walk away from these workers. We can't let big business trample on the workers' rights."

This campaign and the Union's massive Overnite organizing campaign, are currently the two biggest organizing campaigns in the entire labor movement.

Airline Division Wins Air Cargo Election

Solidifying its position in the rapidly growing air cargo industry, the Teamsters Airline Division has won a National Mediation Board election for cargo handlers, cargo agents, and related employees of Challenge Air Cargo at Miami International Airport. There are approximately 110 workers in the unit.

Airline Division Director Bill Genoese said 57 of the 98 workers eligible to vote, voted for the Teamsters. The remaining workers are new employees who were not on the payroll on the cutoff date set by the Board.

Genoese said the company violated the law by firing or suspending key Teamster supporters during the campaign, which was spearheaded by Local 390, Miami, FL and its president, Clarence Lark Jr. The IBT Legal Department filed two lawsuits on behalf of these workers and negotiated a favorable settlement for them with the company's lawyers.

The air freight industry is expected to continue to show rapid growth, according to Genoese, and should be a prime organizing target for the Airline Division.

Teamster Honored As Driver of the Year



Teamster William C. Clapsaddle, Sr. (center), of Local 107, Philadelphia, PA, has been honored for the third time as Driver of the Year, thanks to his impressive logging of 3,400,000 accident-free miles as a professional truck driver. Presenting the award are Lou Solomone (left), district safety manager for Ryder Truck Rental in King of Prussia, PA, and Ellen Sakal, a company representative.

Joint Council 53 Holds Annual Meetings



International Vice President R.V. Durham addresses the delegates at the Joint Council 53 meeting.

hanging times, a changing Union: Change was the topic of the day for the delegates and speakers who attended Teamsters Joint Council 53's 1990 Annual Meetings. Leading representatives from political and labor circles participated in the four-day event, held from September 9-12 at the Trump Taj Mahal in Atlantic City, New Jersey.

"We must reevaluate all of our old ideas—because it's later than you think." With these strong words, Joint Council 53 and Pennsylvania Conference of Teamsters President John P. Morris began the meetings on a sharp note, blasting the federal government for its anti-labor, anti-worker policies. "The working men of this country do all the dying, all the bleeding, all the working in the wars . . . right now, the troops in Saudi Arabia didn't grow up on the main line-they come from the picket line.

"Labor built this country-but the government doesn't know it," Morris said. We must "go back to the days where they need us and the way to do this is through political action." He praised the members of the joint council for their political strength, and predicted that 1990 would be another banner year for the Joint Council in terms of political action and organizing.

New Jersey Governor James J. Florio gave a thoughtful speech in which he outlined his tax reform program for the "Garden State." "If you work hard, you ought to be able to get ahead," Florio stated. "We're going to change the system we have right now, that says a millionaire pays the same rate as a Teamster family—that's not right."

Higher State Tax Rate For N.J. Wealthy

The keystone of Florio's tax reform plan is a higher state income tax rate for those residents with annual incomes of \$150,000 and more. Although he knows that this kind of change will be hard for some of his constituents to abide. the popular governor is determined to make it work: "You don't win every fight, but you don't get any points for being chicken."

"It's later than it's ever been before" was the theme of Eddie Kornegay's speech. In his first appearance before the delegates of



Joint Council 53 President and Pennsylvania Conference of Teamsters President John P. Morris addresses the delegates.



International Vice President Walter Shea shares his insights with the delegates.

Joint Council 53, the president of Washington, D.C., Joint Council 55 stressed that the traditional anti-labor powers—"big government and big business—have never been more determined, more organized in their resolve to see our total annihilation."

Teamster Dignitaries Address Delegates

The American labor movement is "looking for direction, for leadership . . . and the Teamsters should take the lead." With this statement. International Vice President Walter J. Shea began a thoughtful speech on how the IBT's reaffiliation with the AFL-CIO has changed organized labor. "There are a lot of things we should be focusing on as an institution. . . . We should be the catalyst, play a bigger role once again," Shea said.

The Holly Farms/Tyson Foods campaign was the topic of International Vice President R.V. Durham's informative speech. Tyson Foods' anti-union tactics notwithstanding, Durham believes "we can win this fight" because it has all the makings of a classic boycott an over-leveraged buy out with lots of debt and a highly perishable product. Morris has pledged the Joint Council's full support to this

critical campaign.

Canadian Conference Organizing Atlantic Dump Truck Drivers

n the Canadian provinces of Newfoundland and New Brunswick, the future looks brighter for a large number of independent dump truck operators in the construction field. Thanks to Teamster efforts over the past few months, these drivers may be well on their way to joining the Union fold.

The move to organize the drivers began this spring, when Conference Organizer Bill Lemmon received a call from the Newfoundland drivers, indicating their interest in joining the Teamsters. He obtained the go-ahead from Charles Thibault, Eastern assistant to the Conference Director, who, together with Albert Marinelli, Conference Construction director. and Con Moran, president of St. John's, Newfoundland, Local 855, attended the initial sessions with the drivers' association. Lemmon went on to arrange a series of meetings across the province, assisted by Local 855 Business Agents Dave Pierce and George Moores, who actively participated in the organizing drive. With almost 60 percent of the 800 Newfoundland drivers wanting representation, the Teamsters now have two company applications before the Provincial Labour Board and are confident of a positive outcome.

During this period, Lemmon's schedule gained momentum as dump truck operators in neighboring New Brunswick also approached him to join the Union. This started what Lemmon calls "a challenging and difficult campaign, trying to educate the other drivers to think 'union,' especially in the face of serious opposition from the Construction Management Bureau and the Roadbuilding Association." The campaign was successful, however, as more than 60 percent of the 1,200 drivers

voiced their support to "go Team-ster."

With help from Harvey Edwards, president of Halifax, Nova Scotia, Local 927, a rousing demonstration took place in September to draw attention to the drivers' anger about unfair provincial hiring practices. A convoy of 150 trucks, with 200 Teamsters waving placards in support of the drivers, drove 60 miles down the main highway from the northern New Brunswick city of Bathurst, to the Hydro power facilities where two major projects were underway.

The effect was felt the next day, when the Minister of Transport met with Lemmon to discuss the drivers' problems. In the meantime, until a certification and collective agreement have been secured, the provincial Department of Labour has agreed to deal exclusively with the Teamsters on any matters concerning the drivers. This commitment, coupled with backing from the New Brunswick Building Trades, lends crucial support to the Union and the drivers, as they await the outcome of the negotiations ahead.

"The constant commuting between two provinces and roundthe-clock organizing have been really hectic," admits Lemmon, "but it will all have been worth it when we finally see the dump trucks on the highway—with Teamsters at the wheel."

Says Conference Director Louis Lacroix: "I'm extremely proud of the great job Lemmon and his fellow organizers have been doing, sometimes under very trying conditions. Organizing is a high priority on my agenda for the Conference, and we're putting together an effective, national organizing team. We're determined to see this Union grow—from the Pacific Coast to the Atlantic Coast."

Local 748 Proud of Medical Plan

embers of Modesto, California, Teamsters Local 748, which is also affiliated with the Teamsters California State Council of Cannery and Food Processing Unions, take great pride in their "Medical Examination Plan."

Part of the negotiated benefit package since the early 1960s, the Medical Examination Trust provides a free comprehensive health checkup to all members covered under this contract with one or more years of seniority. The examination is on a voluntary basis and is available to over 30,000 Teamster members in California.

Mobile vans housing the necessary equipment to administer the examinations are moved from job site to job site. A professional staff of doctors, nurses, and technicians conducts the various tests, which include an EKG, blood pressure check, tonometry for glaucoma, a full blood screening, urinalysis, and mammography.

Coordinating test results with the members' doctors, the plan also provides for follow-up of medical problems discovered as a result of the many tests performed.

Secretary-Treasurer Bob Adams, of the Teamsters California State Cannery Council, states that "through early detection of medical problems, before the individual requires major medical treatment, the plan has saved lives as well as cut health and welfare costs, and it has proved to be a valuable part of the contract's economic package, benefiting both the members and the companies."

Canadian Teamsters Forge Alliance To Safeguard Trucking Industry

n an unprecedented move, Canadian Teamsters have joined forces with two other major unions to combat the problems brought upon their industry by the forces of deregulation and free trade. The Teamsters, the Canadian Brotherhood of Railway, Transportation and General Workers (CBRT) and the Transportation-Communications International Union (TCU) represent more than 150,000 Canadian workers, including 50,000 employees in the trucking industry.

Acting together, the three unions were instrumental in securing a top-level meeting with the federal Transport Minister, where they and the other major stakeholders addressed the industry's serious difficulties.

This unprecedented joint action was triggered by owner-operator shutdowns at several Canada-U.S. border sites. Swamped by uneconomic conditions in their industry. the drivers blocked the borders in an effort to draw public attention to their desperate plight: working extra-long hours for bottom-ofthe-barrel wages that fail to cover operating costs: being forced to carry overloads and to push the speed limit in an attempt to break even; risking their lives and the lives of others by driving unsafe rigs they can't afford to maintain; and having absolutely no job security. Looking for assistance their untenable situation, many owner-operators approached Teamsters across the country. In Windsor, Ontario, they contacted Tom Baldwin, president of Teamsters Local 880, who took the matter to Charles Thibault, president of Teamsters Joint Council 52 in Ontario and director of the Canadian Teamsters Freight Division.

This action started the ball rolling. Recognizing the need to work together to address the serious



(From left): Charles Thibault, director, Canadian Conference Freight Division; the Honorable Doug Lewis, federal Minister of Transport; Rick Beckwith, executive assistant, CBRT; and Jack Boyce, general chairman, TCU.

state of affairs in the Canadian trucking industry, the Teamsters, together with the CBRT and the TCU, requested an urgent meeting with the Minister of Transport and the other stakeholders involved—the Canadian Trucking Association, the private motor carriers, the big shippers in the auto and forest sectors, the provinces, and other key federal ministries.

The resulting two-day meeting took place this summer in Toronto and was chaired by federal Transport Minister Doug Lewis. In a clear display of solidarity, the three trucking unions acted as one, with Thibault as their spokesman. Also representing the Teamsters were Baldwin and Conference Research & Legislative Director Ron Douglas, who presented the labor brief.

Unions Call for Action

The union presentation focused on the urgent need for corrective measures related to the destructive impact of deregulation and free trade on the economic health of the industry and on the social wellbeing of the workers involved. The unions made three main recommendations for government action: to level the playing field so that Canadian carriers can com-

pete with their much larger U.S. counterparts in the face of increased North-South traffic brought on by free trade; to take immediate action to ensure that the National Safety Code is uniformly applied and effectively enforced throughout the Canadian trucking industry; and to develop a comprehensive national policy for the industry with real input from all stakeholders, including labor.

This meeting was only the first step in a joint effort by the unions to address the problems facing the industry and their members, but it was a big step in the right direction. Says Thibault: "When the three major trucking unions speak with one voice, all the stakeholders have to sit up and take notice. Labor has taken a higher profile than before, and, as a result, the Minister now has a better understanding of the concerns of the working people."

Adds Baldwin: "We Teamsters must give credit to our brother unions, the CBRT and the TCU, which were also instrumental in setting up this hallmark meeting. This cooperation and spirit of solidarity will be crucial to sorting out the many problems facing our members in the trucking industry in Canada."

NLRB Decisions in Favor of Teamsters

dispute involving the filing of an unfair labor practice charge against Rollins Warehousing and Distribution, Inc., of Springfield, Ohio, in February, 1990, recently resulted in the reinstatement, with lost pay, of the discharged employee.

The case revolved around an organizational campaign by Local Union 654 in Springfield to bring in the Union at Rollins. Employee Timothy Clymer was one of the most ardent supporters of the

Union.

The General Counsel of the National Labor Relations Board issued a formal complaint against Rollins in March, 1990, for alledgedly engaging in unfair labor practices as set forth and defined in the National Labor Relations Act. The allegations included threats of unspecified reprisals by the company, if Clymer continued to discuss the Union with other employees. There were also threats by management of more onerous working conditions, if employees selected the Union as their collective bargaining representative. Rollins also alledgedly threatened Clymer with arrest and prosecution by the Internal Revenue Service for engaging in activities in support of the Union in order to discourage employees from engaging in concerted activities for the purpose of collective bargaining, mutual aid, or protection.

Fortunately, the parties reached an out-of-court settlement in July of this year. Rollins complied with an NLRB order to pay Clymer \$2,100 in compensation for lost wages in addition to reinstating him in his former job.

Rollins Warehousing and Distribution, Inc., Rollins Moving and Storage, Inc., and Rollins Packaging, Inc., operating as a single integrated business enterprise in Springfield, OH, are in the business of residential and commercial moving and storage, packaging,

and storage and distribution of automotive parts at various local facilities. The Union is pleased that Clymer will again be working in this segment of the Teamsters' wide-ranging membership.

In an order issued in September, 1990, the NLRB ordered the Kenosha Auto Transport Corporation of Springfield, OH, to stop threatening its office employees "with layoff and more onerous working conditions" if they chose Teamsters Local 654 as their bargaining agent. The judgment stems from suits filed by Local 654 over incidents that allegedly occurred at Kenosha in 1989. Other orders for Kenosha Auto Transport include:

- Kenosha must stop granting discriminatory pay increases and/or laying off employees to discourage them from engaging in protected union activities.
- Kenosha must stop bypassing the Union and dealing directly

- with employees concerning questionable work policies.
- Kenosha must offer reinstatement to a former employee.
- Kenosha must make payroll and other personnel records and reports available to the NLRB.
- Kenosha must bargain in good faith with the Union.

Another Springfield firm has also felt the bite of the NLRB, whose order will help with future bargaining.

The order by the NLRB, recently upheld by a federal appeals court in Cincinnati, Ohio, requires Dallas & Mavis Forwarding Company, Inc., to negotiate directly with Local 654 about wages, hours, and other job concerns. The NLRB order also forbids Dallas & Mavis Forwarding to interfere with, restrain, or coerce employees. The order also requires the company to post workplace notices to inform employees about the matter.

Nursing Home Workers Join IBT Local 722



Teamsters Local 722, La Salle, IL, recently welcomed the 110 employees of Lee County Nursing Home in Dixon, IL, to its membership rolls. The Teamsters won the election, conducted by the Illinois State Labor Relations Board, by a 79-2 margin. Pictured with nursing home workers are (front row, far left), Central Conference Organizer Armando Hernandez and Joint Council 65 and Illinois Conference Organizer Sam Grill; and (back row, far right): Local 722 Secretary-Treasurer Kenneth "Buzz" Bishop, Business Representative Dean Brierly, and office secretary Dawn Shippert.

Missouri and Kansas Conference Holds Annual Meeting



(From left): Charles Deal, trustee, Missouri and Kansas Conference; Ron Kubalanza, executive director, Central States, Southeast and Southwest Areas Health and Welfare Pension Funds; Dan Johnson, vice president, John Metz, recording secretary, and Robert C. Sansone, president, Missouri and Kansas Conference; Jack B. Yager, director, Central Conference of Teamsters; Ron Gamache, secretary-treasurer, Missouri and Kansas Conference; and International Vice President Frank W. Hackett.

ore than ever, the Teamsters need to be politically active to defend and expand their rights, speakers told the Missouri and Kansas Conference of Teamsters September 27 and 28 at Lake of the Ozarks, Missouri.

The annual conference, chaired by Joint Council 13 President Robert Sansone, heard from a number of leaders of the International Brotherhood of Teamsters.

Several speakers called for an all-out effort to pass a bill sponsored by Congressman William Clay of St. Louis, which would outlaw the permanent replacement of striking workers.



International Vice President Frank W. Hackett shares his insights with the delegates.

"There are people in the lawmaking process of this country who are dedicated to burying organized labor," said International Vice President Francis Hackett. "Our obligation is to defend this Union against its enemies."



International Trustee Robert DeRusha discusses where the labor movement is headed in the '90s.

International Trustee Robert De-Rusha said organized labor must pass the Clay bill or "we're not going to be there." He said employers are telling unions that they have to accept the company's contract demands or they will be replaced by strikebreakers. He said the Teamsters had helped pass an anti-strikebreaking ordinance in Boston, and suggested similar efforts in other cities across the country.

"We need more money in DRIVE, we need voter registration," De-Rusha said. "Every time we lose a strike, we lose a drop of our life's blood."

John Morris, president of the Pennsylvania Conference of Teamsters and Joint Council 53, warned that the United States is becoming a society of rich and poor, and the government is run by the rich.

Referring to the federal government's harassment of the Teamsters, Morris said, "We're still the biggest and strongest union in America, and that's why they're after us."

He added, "Let's wake up. We come from the working class. We keep this country running. We must meet employers in the legislative halls—at the ballot box. We must raise \$50 million a year for DRIVE, not just \$6 million."

Ron Kubalanza, executive director of the Central States Southeast and Southwest Areas Health & Welfare and Pension Funds, told the delegates that the \$9.5 billion pension fund has never been in better shape despite recent declines in membership. He said the



Central Conference of Teamsters Director Jack B. Yager addresses the Missouri and Kansas Conference meeting at Lake of the Ozarks, MO.

fund had a 14 percent return on investments in the 1980s, and raised benefits six times during the decade. He warned, however, that skyrocketing health care costs could force more money into health and welfare, leaving less for pensions.

Sansone, a trustee of the Central States fund, said the fund needs to be cautious about improving benefits despite its strength. He noted that there once were 20 active Teamsters for every retiree in the Central States. Now there

are only five active members for every retiree.

Other speakers included International Vice President Jack Yager and Gary Dixon, chairman of the Construction/Energy Division of the Western Conference.

Michigan Teamsters Joint Council 43 Holds Annual Fall Labor Seminar

arbor Springs, Michigan, was the location once again this year, as more than 200 Michigan Teamster delegates and guests gathered recently for Michigan Teamsters Joint Council 43's annual Fall Labor Seminar.

Joint Council 43 President Larry Brennan and International Vice President George Vitale welcomed delegates to the Boyne Highlands Hotel and told the delegates that the 1990s promise to be a challenging, yet rewarding, decade for Michigan Teamster members.

"Joint Council 43 has come a long way in our effort to reestablish our Union as a powerful voice for change in Michigan," Brennan said. "The challenges facing us during this decade are to build upon our past successes, increase our political presence in Lansing, and expand the ranks of Teamster representation to more and more unorganized workers. With your help we will make the 1990s a Teamster Decade."

Vice President Vitale added, "We can achieve our goals, but we must all commit ourselves and work together. No Teamster local union can afford to wait on the sidelines. The only way this International can prosper is for each of our 700 local unions to get in the game and compete to win. We can't act as 700 separate local unions," he

added, "no matter how large or well-funded an individual local might be. We must act as one, great International Union if we are to overcome the obstacles that have been put in our way."

The top agenda item during this year's seminar was the election of the Joint Council 43 Executive Board. Acknowledging the outstanding work of the Joint Council officers, President Larry Brennan of Detroit Local 337, Vice President George Vitale of Detroit Local 283, Secretary-Treasurer Ron Owens of Detroit Local 299, Recording Secretary Bill Bernard of Jackson Local 164, and Trustees Bob Dabici of Kalamazoo Local 7, Ken Hollowell of Detroit-area Local 247, and Joe Valenti Local 214 of Detroit were unanimously re-elected by the delegates to another four-year

Following the election, Brennan and Vitale thanked the delegates and urged continued teamwork and cooperation to keep the Joint Council strong and moving forward:

"With the support of our affiliated locals the Joint Council has become one of the strongest and most respected partners within the Michigan AFL-CIO, and an active participant within the community. Our DRIVE program has made us a valuable player in the state leg-

islature as we work to enact the Teamster legislative agenda. We have won significant victories in organizing, collective bargaining, and political action because you have been behind us 100 percent. This shows what can be done when we work as a team, and I know that our team will continue growing in numbers and strength throughout the 1990s."

Delegates also heard from several other speakers during the fourday seminar, including General Secretary-Treasurer Weldon L. Mathis, International Vice Presidents Jack Yager, Arnie Weinmeister, Ed Lawson, and Don West, and from officials from the Michigan AFL-CIO as well as leaders from the Michigan Democratic Party. The overriding message during each of these presentations was the same: the Teamsters Union has reemerged as a powerful voice for Michigan workers.

Delegates also participated in many of the small workshops dealing with several issues affecting Teamster members. The workshop which drew the most attention dealt with passage of legislation to outlaw the use of scabs to break strikes. The delegates unanimously agreed that passage of this bill would determine who the Joint Council endorses on a national level during the 1990 elections.

Local 714 Teamsters Aid Tornado Victims



Jim Hogan, recording secretary of Teamsters Local 714, Berwyn, IL, (center), led a group of volunteers to help residents of tornado-torn Plainfield, IL, over the Labor Day weekend.

devastating tornado recently touched down southwest of Chicago in Plainfield, Illinois, killing and injuring dozens of people. Houses were shattered, schools destroyed, and people left homeless without water or electricity.

When news of the widespread destruction reached Teamsters Local 714, in Berwyn, Illinois, members immediately offered to spend the Labor Day weekend in Plainfield working as volunteers. Trustee Marshall Arrington and Business Agents Geno Rodriguez and Bobby Hogan led the first team of 30 volunteers to help the destitute victims of the tornado.

On Labor Day Jim Hogan, recording secretary of Local 714, along with Rodriguez and Benny Quiroz, also a business representative, led another group of Teamsters to Plainfield to help with the cleanup. The group worked tirelessly to clear away debris, helping residents restore some semblance of order to their lives.

Attention All Members:

Notify Your Local Union

If there needs to be a change made in your mailing address . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

No. Above Name		
Name		
Street		
City	StateZip Code	

Mail Boosts Soldiers' Morale In Saudi Arabia

any soldiers in the U.S. Armed Forces in Saudi Arabia and the Persian Gulf have not received any mail from home. Although some soldiers have received letters from their friends, loved ones, and families, thousands others still anxiously wait, hoping that the daily delivery from the Air Force will yield a letter or postcard addressed to them.

Operation Desert Shield

In a letter received by Orlando, Florida, Local 385 President Larry Parker from one mother of a soldier stationed in Saudi Arabia, the young man, himself, is quoted as saying, "There are some people in the platoon who haven't received any mail, and they are very depressed." Certainly, letters expressing our gratitude for their service could alleviate what this soldier called, "[the] boredom of this 'waiting game' and the life in the desert."

Let the Soldiers Know You Care

If you would like to write a soldier a short note or letter, one way to do so is writing to the following: "A Friend" c/o Sgt. Timothy M. Ryan, 267-61-4122, 4.2 Mortar Platoon, HHC 3/15 Inf., 24th Infantry Division (M); Operation Desert Shield; A.P.O., New York, NY 09315. Your letters will be distributed to anyone not receiving mail on a personal basis.

Locals, churches, or families may want to make this a group effort. Sending a short note, letter, or even a scenic postcard would be appreciated. We are sure any attempt you can make will go a long way toward boosting the morale of our troops in the Persian Gulf area.

Teamsters Call for Improved Training For Workers Transporting Hazardous Materials

n recent testimony before the U.S. Senate's Surface Transportation Subcommittee, Acting Director of the IBT Safety & Health Department Vernon McDougall stressed the Union's concern for improved safety and health training for workers, better safety enforcement by the U.S. Department of Transportation, and more safety regulation of hazardous materials shippers.

On the need for improved training for all workers involved in hazardous materials transportation, McDougall noted that "There is a great deal of concern among our members about the health and safety risks associated with the hazardous materials they handle

every day."

The Teamster representative explained that many employers in the trucking industry are still learning about their responsibility under OSHA's Hazard Communication Standard to provide safety and health training to workers who handle hazardous materials. Additionally, some employers are still learning about their responsibility under OSHA's Hazardous Waste and Emergency Response Standard to provide special training and protective clothing and equipment to workers before they are asked to clean up hazardous chemical spills. McDougall told the Senators that any new hazmat laws should reinforce OSHA's authority to enforce these requirements.

The Teamsters spokesman had high praise for a national training grant program for hazardous waste workers, emergency response workers and hazmat transportation workers, which is administered by the National Institute for Environmental Health Sciences (NIEHS). "This NIEHS program has been one of the real success stories in the area of hazardous waste and

hazmat response in recent years," he said.

McDougall told the Committee that the federal Department of Transportation (DOT) is so heavily involved in giving free consultation and education to motor carriers that this gets in the way of effective enforcement. To make his point, he described a situation where Teamster members were on strike against a tank truck firm. As scabs, the employer brought in drivers who were already working full time for other tank truck companies. The Teamsters Union complained to DOT about possible logbook violations, violations of DOT limits on driving time and hours of service, and hazardous materials violations. DOT was slow to react, and only conducted a partial investigation. Eight-and-a-half months after the Teamsters' complaint, DOT settled for only a \$13,125 fine.

McDougall pointed out to the Senators that under laws passed in recent years, truck drivers are subject to severe new penalties—starting with a two-month suspen-

sion for two serious traffic violations in three years — while carriers and shippers get off lightly. He told the Committee that the burden of safety enforcement should be shared more evenly.

"Trucking of hazardous materials is a tremendous responsibility," McDougall said. He urged the Senators to adopt a permit system, which would require permitted hazmat shippers to only do business with permitted hazmat motor carriers. Both shippers and motor carriers would have to demonstrate their fitness to engage in hazardous materials transportation.

"I especially want to stress the importance of the shipper in hazardous materials trucking," said McDougall. "The shipper has tremendous economic clout to influence the behavior of the motor carrier—for better or worse." He said that any new legislation to improve safety in hazardous materials trucking should begin with the shipper.

Workers' Compensation Settlement



Member Richard P. Barba, Sr., (center) receives a check in the amount of \$28,507.09, presented by New York City Local 584 Business Representative Carl Renhack and Barba's compensation attorney Susan Klein. Barba's claim was against Tuscan Dairy Farms, Inc., of Woodside, New York.

Teamsters Grant Youngster's Wish

Teamsters Local 771, Lancaster, Pennsylvania, and the Make-A-Wish Foundation recently held a convoy fund-raiser in Lancaster, PA, to benefit ill children.

This event came about because of a terminally ill youngster's wish to ride in a tractor-trailer. The Teamsters of Local 771 decided to do more than just give the youngster a ride; they decided to raise money for this foundation.

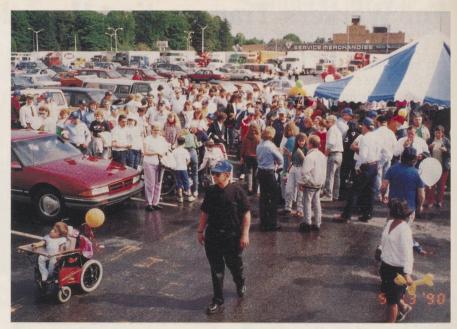
The convoy consisted of more than 44 companies in and around Lancaster County, all of which are under a collective bargaining agreement with Local 771. The gala event was topped off with a barbecue fund-raiser, which raised \$7,000 for the Make-A-Wish Foundation.

Teamsters Local 771 President Kenneth C. Lauhkuff said the truck convoy stretched out for more than a mile, all the way from a Lancaster shopping center to the Harrisburg International Airport, then back to the shopping center.

The recognition the Teamsters received in area newspapers was considerable. "The time and effort Local 771 gave to the Make-A-Wish Foundation was rewarded many times over in the smiling faces of the happy youngsters," said Lauhkuff. "This again proves that



Cheryl King, trustee for Teamsters Local 771, Lancaster, PA, dressed up as a chicken for the Make-A-Wish Foundation fundraiser sponsored by Local 771.



(Pictured, far left): Shawn Witmore was one of the Make-A-Wish children present at Local 771's fund-raiser held this past spring.

Teamsters are good people who donate their time and efforts to charities in communities all across the U.S. and Canada."

Local 771 is planning the same event for next year, with a hope for stretching the convoy across the entire state of Pennsylvania.

Safety Record Set



Teamster members Andy Segedi (second from left) of Lincoln Park, Michigan, and Paul Danson (third from left) of Allen Park, MI, were recognized recently for setting new safety records at Marathon Petroleum Company, Michigan Division. Marathon is the only oil refinery in the city of Detroit, and the two Teamsters have a combined total of 54 years with no lost time for accident or injury at the company. Members of Local 283 in Wyandotte, MI, they are experienced in maintenance, operations, product control, safety, and other aspects of refinery work. Also pictured are Walter Quillico (far left), Local 283 business representative, and International Vice President George Vitale (far right), president of Local 283.

UPS Mechanics Vote 29–1 for IBT

t a recent election for IBT Airline Division certification, the 500 United Parcel Service (UPS) mechanics headquartered in Louisville, Kentucky, recently voted by an overwhelming 29 to 1 margin in favor of the Teamsters Union.

Though headquartered in Louisville, the mechanics are spread all over the United States at 60 maintenance stations. They service more than 100 UPS airplanes, including 727, DC-8, 757 and 747 type aircraft.

"We feel these members are the cream of the crop," said Airline Division Trustee Bill Ferchak of Local 608 in Louisville. "They come from such airlines as TWA, Braniff, Pan Am, Eastern, Northwest, American, American West, Delta, PSA, Capitol, Frontier, USAir, Western World . . . even from a competitor, Federal Express.

"They also came from major aircraft manufacturing firms like Boeing, Lockheed, Douglas, Beach, Lear, and General Electric," Ferchak added. "We are of course pleased they voted in overwhelming support of the Teamsters Union."



Pictured at the signing are: (seated, from left) Buzz Tuller, Local 608, Louisville, president-elect; Bill Ferchak, Local 608, Airline trustee; Dan Ward, Local 608 trustee-elect; (standing, from left) Neil Koneitzko, manager of Labor Relations, UPS Air Division; and Laurette Piculin and Joe Anderson of the National Mediation Board, who officiated at and certified the election for the government.

Scranton Teamsters Organize County Jail Employees



Teamsters Local 229, Scranton, PA, was successful recently in organizing prison guards and maintenance employees from the Susquehanna County Prison in Montrose, PA. The collective bargaining agreement was ratified by a unanimous vote. Pictured with county jail employees is Daniel Schmidt (front row, fourth from right), IBT business representative, who directed the organizing campaign.

Winning Race Car Backed by All-Union Crew



Three California Teamster locals recently sponsored a successful one-day event at the San Jose Speedway in San Jose, CA, that brought a crowd of 4,300 spectators out to see Teamster driver Rod Spencer set a new track qualifying record. Spencer, who drives for the J & N Budweiser racing team, has won both the 1989 and the 1990 NASCAR Sprint Car Championships. What makes this race team different is that the driver, all of the crew members, all of the sponsors, and the car owner are all union. Sponsoring the event were IBT Locals 576, 287, and 296 in San Jose. Representatives from these locals were on hand at the event.

Overnite Campaign Focuses on Pension

ne of the best reasons for becoming a Teamster member is becoming a key issue in the Overnite organizing campaign: pensions. Overnite workers are being presented with information clearly detailing the advantages of becoming part of the vast network of Teamster pension plans.

Using the Central States, Southeast and Southwest Areas Pension Fund (CSSPF) as an example, Overnite workers are being shown how a benefit called the Contribution-Based Pension would take them from earning roughly \$46 for each year of service under the Overnite plan to \$76 from the date Overnite begins making contributions on their behalf to the CSSPF.

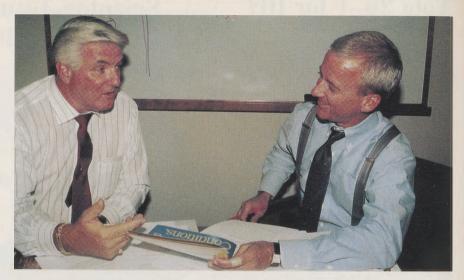
Formula Benefits Participants

The Contribution-Based Pension first became available to the CSSPF participants in 1987. As its name implies, this benefit is figured by taking into account the actual contributions made on behalf of a participant from 1986 forward, and adding to them the "Vested Pension" he or she had earned as of December 31, 1985.

In discussions of this benefit, Bruce Trojak, Pension Program manager for CSSPF, said "going to this formula was a very smart move by the Trustees, because it offers future retirees an excellent opportunity to receive even higher benefits than those currently available." Trojak went on to explain that the \$76 Overnite workers could earn toward their monthly benefits for future contributions comes about by taking a year's worth of top-rate contributions (currently \$3,796 for CSSPF participants under the Master Freight Agreement) and multiplying by 2 percent.

Available Organizing Tool

Teamster organizers are finding that using the CSSPF as an ex-

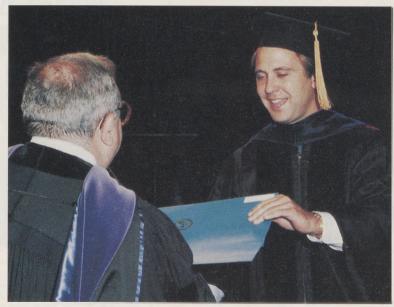


Overnite Campaign Coordinator Sam Stintsman (left) and Bruce Trojak, pension program manager for the Central States Pension Fund, discuss the Union's retirement program, which will offer Overnite workers pension benefits that are as much as 65 percent superior to the company plan.

ample of retirement benefits available through joining the Union is a very effective tool for convincing Overnite workers to sign Teamster authorization cards. They know that even if an Overnite employee

lives outside the 34-state area of the CSSPF, he or she stands to gain much by joining the Teamsters, because the benefits offered in every Teamster pension fund are far superior to Overnite's.

IBT Business Agent Earns Law Degree



Teamster Business Agent Paul Cozza, Local 211, Pittsburgh, Pennsylvania, recently graduated for the Duquesne University School of Law in Pittsburgh. Cozza attended night classes to earn his law degree, while serving as Local 211 business agent and executive assistant to the president. He is the son of IBT Vice President Theodore R. Cozza.

Teamster Legislative Victory Protects Wages of Alaska School Bus Drivers

bill that would stop the downward spiral of school bus drivers' and attendants' wages in Alaska passed the recent session of the State Legislature and has been signed into law by Alaska Governor Steve Cowper.

Passage of the bill was the culmination of a three-year effort by Teamsters Local 959, Anchorage, to shore up the wage structure and improve safety of bus operations in the state.

John Creed, director of the local's political action committee A.L.I.V.E., said the passage of House Bill 90 is a major step forward in wage protection for private sector school transportation employees. No other state has such protection at this time. he said.

The bill establishes a minimum wage for school bus drivers and attendants at twice the Alaska minimum wage. That would make the current minimum rate for drivers

\$8.60 an hour, and it will go to \$9.50 an hour on April 1, 1991.

The new law in effect stops contractors from driving the wages downward in an effort to win bids with school districts. In recent years, the downward spiral caused by cutthroat bidding has severely hampered the ability of school district contractors to attract and keep quality personnel.

In addition to setting a wage floor, the bill also contains safety language concerning mechanical safety and inspections, and safe boarding, riding, exiting, and emergency procedures.

Creed expressed his appreciation to the members of Local 959, particularly drivers and attendants, who have lobbied their individual legislators on the bill. "The support of our membership has helped us to have passed an important piece of legislation for our children." he said.



Alaska Governor Steve Cowper (seated) signs into law a bill that provides wage protection for private sector school transportation employees. Also pictured are (standing, from left): John Creed, director of the political action committee for Local 959, Anchorage, AK; and Representative Dave Donley, Alaska State legislator.

Safety and Health Department Adds Industrial Hygienist to Staff



Industrial hygienist LaMont Byrd will offer hands-on expertise in the safety and health field to Teamster affiliates and members.

ndustrial hygienist La-Mont Byrd has joined the staff of the IBT Department of Safety and Health. Byrd will be working on regulatory matters regarding toxic chemicals and other job safety and health issues and will provide advice and assistance to IBT locals. His presence will enhance the Safety and Health Department's ability to provide expert assistance to all affiliates and members.

Byrd recently completed requirements for a Master's Degree in Industrial Hygiene at the University of Cincinnati. Prior to his graduate studies, he worked in the public health field in Fayetteville, North Carolina.

Byrd has been involved in research concerning workers' exposure to man-made mineral fibers. His areas of interest include worker training, cumulative trauma disorders, chemical exposures, and back injuries. He sees "a real need for workers to be educated about hazards they might encounter on the job." He intends to "be a resource for the locals and members."

Report XVII to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

In this Report, I will update you on the following items: (1) the Election Officer's work, including his hiring of a Regional Coordinator for the San Francisco Region; (2) the disciplinary charges which have been filed by the Investigations Officer; and (3) the appointments made by General President McCarthy which are currently under review.

1. The Election Officer's Work

a. Accredited Candidates

As evidenced by the publication of the campaign materials of the three Accredited Candidates in the October 1990 issue of The International Teamster, the election process has begun under the direct supervision of the Election Officer and his staff. The three Accredited Candidates have formally requested, as is their right, possession of the relevant membership lists to help them communicate with the IBT rank and file. Of course, each of the three will be receiving such lists through the appropriate source. There remains a December 14, 1990, deadline under which candidates for the top 18 IBT International Offices must submit their completed petitions to the Election Officer if they wish to be allocated free space to place campaign material in The International Teamster (February, 1991, issue) in order to promote their candidacies and express their views. Their next opportunity to use the space in this magazine will not be until September, 1991 (and thereafter in October and November).

b. Regional Coordinators

As I have informed you in my last two Reports, the Election Officer has hired individuals who will function as "Regional Coordinators" for the rank and file secret ballot election of delegates to the 1991 Convention and the subsequent rank and file secret ballot election of International Officers. These individuals will "coordinate" the supervision of the election process throughout the United States and Canada. Specifically, their duties will range from helping Local Unions prepare formal plans for election conduct, to investigating disputes and protests concerning the elections and the rules covering them. In the September issue of The International Teamster, I provided you with a list of the names, addresses, telephone numbers and regions of the fourteen (14) Regional Coordinators retained by Mr. Holland up to that time. In the October issue, I provided you with this same information as to four (4) additional Regional Coordinators. Each of the Coordinators brings extensive experience in the labor movement to their positions, whether it be in the private practice of Union-side labor law, or in the employ of the federal government. You are invited and encouraged to contact the Regional Coordinator in your area to discuss your questions relative to the election process or the election rules promulgated by Mr. Holland.

In this regard, I have two changes to report to you. The new "fax" number of Donald Williams (the Regional Coordinator assigned to the "South East") is 504-835-4897. The new telephone number of Amy Gladstein (the Regional Coordinator for New York City) is 212-334-8134.

Mr. Holland has recently retained a Regional Coordinator for the San Francisco region. His name, address, office ("O") telephone number, "fax" number and assigned region appear below:

NAME	REGIONAL CODE	REGIONS/STATES	JOINT COUNCIL
John F. Henning, Jr. Henning, Walsh & King 100 Bush Street Suite 440 San Francisco, CA 94104	CSF (California— San Francisco)	San Francisco	JC 7
O: 415-981-4400 Fax: 415-981-4599			

With the hiring of Mr. Henning, Mr. Holland has retained nineteen (19) Regional Coordinators to date. Mr. Holland still anticipates hiring four (4) additional coordinators and I will, if possible, provide you with information about them in my next Report.

Training sessions for the Regional Coordinators were conducted in June and again in late August in Chicago. Further training sessions for the adjunct Regional staffs that the Regional Coordinators will hire in coming weeks will be conducted by the Election Officer in late October or early November.

Also under way is the process for receiving and ruling on election protests. These must be filed with the Election Office in a timely fashion soon after the alleged impropriety.

In addition, the Election Office has received more than 250 requests for determination as to whether individuals are indeed eligible to run for the position of Delegate to the Convention from their Local Union. The Election Officer will continue to rule on these inquiries.

c. Local Union Election Plans

To date, 550 local unions, out of 638, have submitted election plans to the Election Office as of the close of business October 4, 1990. The Election Officer has approved approximately 90 plans as of the filing of this Report.

2. Disciplinary Matters

a. Judge Edelstein's Decision in the Disciplinary Matter Involving Salerno and Cutolo

In my last Report, I advised you that I had filed a decision in the disciplinary matter involving Cirino "Charles" Salerno (President of Local 272) and William Cutolo (President and Business Agent of Local 861). The Investigations Officer charged them with "bringing reproach upon" the IBT by "knowingly associating" with members of organized crime families of La Cosa Nostra. In addition, Mr. Cutolo was charged with actual membership in La Cosa Nostra.

On August 21, 1990, I issued a decision concluding that the Investigations Officer had carried his just cause burden of proving the charges. Accordingly, I ordered Salerno and Cutolo to permanently remove themselves from all their IBT affiliated union positions (including membership in their Local Unions and the International Brotherhood of Teamsters) and draw no money or compensation therefrom, or from any other IBT affiliated source.

On September 18, 1990, Judge Edelstein issued an "Opinion and Order" affirming my decision in all respects. A copy of that Opinion is printed elsewhere in this magazine. As in his August 27, 1990, Opinion regarding Messrs. Senese, Talerico and Cozzo (See September 1990 issue of The International Teamster), Judge Edelstein directed that I must decide the issue of whether Salerno's and Cutolo's pension, and health and welfare benefits should be terminated before he reviews that question. I will be issuing a supplemental Opinion on this issue and will, of course, report to you on that decision in a future report.

b. The Charges Against William Lickert, Sr.

The Investigations Officer has charged William Lickert, Sr., the President of Local 205 in White Oak, Pennsylvania as follows:

Count 1

[V]iolating Art. II, §2(a) and Art. XIX, §6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting [himself] in a manner to bring reproach upon the IBT, conducting [himself] in a manner to interfere with the union's obligations and violating [his] oath; to wit:

While President of Local 205, upon a plea of guilty, [he was] convicted of violating [federal law] by willfully making a threat and maliciously conveying false information regarding an explosive by means of the telephone. This threat was to an occupied nursing home facility with which Local 205 had a labor dispute. [Lickert was] sentenced to three years' imprisonment, all but ninety days of which was suspended, and five years' probation. *United States v. Lickert*, 83–95 (W.D. Pa.).

Count 2

[E]mbezzling approximately \$4,274.00 from the Local while its President in violation of Art. XIX, \$6(b)(3) of the IBT Constitution by improperly converting to [his] own use, Local funds, to wit:

From September 13, 1983, through December 9, 1983, [Lickert was] a prisoner in a Federal Correctional Institution. For this period of incarceration [he was] paid by the Local, allegedly for twelve weeks' vacation. [He was] entitled to seven weeks' vacation in 1983, five of which [he] had taken prior to September 1983. Besides the remaining two weeks of 1983 vacation, [he was] advanced seven weeks of 1984 vacation and three weeks of 1985 vacation. Throughout [his] incarceration [he] also received an \$85.00 per week expense allowance. Of course, during this period [he] had no Local-related expenses. Pursuant to a board resolution passed on September 21, 1983, [Lickert was] granted a leave of absence for ninety days, the period of [his] imprisonment.

Despite having been advanced fully the salary for [his] 1984 vacation in 1983, [he] took an additional one-week vacation in 1984 for which [he was] paid \$813.50. Despite having been advanced in 1983 the pay for three weeks of 1985 vacation, in 1985 [he] took seven weeks' vacation for which [he was] fully paid. Thus, [he was] paid for eight weeks' vacation in 1984 and for ten weeks' vacation in 1985, although only entitled to seven weeks per year. Between the double dipping on vacation and the allowance scam when [Lickert was] in prison [he] embezzled approximately \$4,274.00.

Count 3

[C]ausing when President of the Local, loans to [himself] from the Local of over \$2,000.00 on two separate occasions in violation of [federal law] and IBT Constitution Art. XIX, \$6(b)(5), to wit:

On March 10, 1990, [Lickert was] advanced by the Local \$6,750.00 for wages to be earned in the future from April through December 1990 as Administrator from the Health and Welfare Plan, in violation of [federal law].

In addition, in 1983 while in jail [he was] advanced salary for as yet unearned vacation in 1984 and 1985 in excess of \$8,000.00, in violation of [federal law].

Count 4

[V]iolating [federal law] and bringing reproach upon the IBT in violation of Art. II, §2(a) and Art. XIX, §6(b)(2)(5) of the IBT Constitution by accepting things of value from employers of members of Local 205 while you were an officer of Local 205, to wit:

On January 10, 1988, a testimonial dinner was held on [Lickert's] behalf. The chairman was the

Report XVII (continued)

Local's then Secretary-Treasurer. The Local's executive board was on the committee as were employer representatives. . . . Employer representatives purchased tickets to [his] testimonial. At least, eight Local 205 employers and an employers' industry association purchased advertisements in the testimonial dinner booklet. From the funds raised for this dinner [Lickert] received a watch purchased for \$1,404.50. In addition, [he is] also listed as the only payee on a Certificate of Deposit for \$1,876.94 obtained with funds from the dinner.

Count 5

[V]iolating Art. XIX, \$6(b) of the IBT Constitution, by engaging in conduct that interfered with and was disruptive of Local 205's legal obligations and filing a false and misleading Labor Organization Annual Report (Form LM-2) in violation of law, to wit:

[Lickert] filed and caused to be filed a misleading Form LM-2 for Local 205 with the United States Department of Labor. The 1983 Form LM-2 which [he] signed as President of Local 205, failed to disclose that in 1983 the Local lent to [him] during [his] imprisonment over \$8,000.00 in the form of advance payments for yet to be earned vacation in 1984 and 1985.

As with all charges, a hearing on this charge will be scheduled, after which I will issue a decision. I will report to you on my decision when it is issued.

c. The Charge Against William Lickert, Jr.

William Lickert, Jr., Secretary-Treasurer of Local 205, in White Oak, Pa., and the son of Mr. Lickert, Sr., has been charged by the Investigations Officer as follows:

[W]ith causing when Secretary-Treasurer of Local 205, White Oak, Pennsylvania, a loan to [his] father, the President, from the Local of over \$2,000.00, in violation of [federal law], to wit:

On March 19, 1990, [he] advanced from the Local \$6,750.00 to [his] father, its President, for wages to be earned in the future from April through December 1990 as Administrator for the Health and Welfare Plan.

A hearing will be conducted on this charge and, as always, I will issue a decision. When I do so I will tell you about it in a future report.

d. The Charges Against The Officers of Local 239

The Investigations Officer has filed six separate charges against the following individuals all present or former officers of Local 239 in East Meadow, New York:

- 1. John Spada Former Secretary-Treasurer of Local 239 and presently a Trustee of Local 239's Welfare and Pension Funds.
- Eugene Ciner Vice President of Local 239.
 Randolph Leidel Recording Secretary of Local 239.

4. Michael Maddaloni — Trustee of Local 239.

5. Gerald Corallo — Trustee of Local 239, Trustee of Local 239's Welfare and Pension Funds, Trustee of Joint Council 16, and Trustee of Joint Council 16 Pension Fund.

6. John Mastando — Secretary-Treasurer of Local 239, and former Trustee of that Local.

The Investigations Officer charges these six individuals as follows:

Charge 1

- 1. Violating Article II, section 2(a) and Article XIX, section 6(b)(2) of the International Brotherhood of Teamsters ("IBT") Constitution, by conducting [themselves] in a manner to bring reproach upon the IBT; and
- 2. Violating Article XIX, section 6(b)(3) of the IBT Constitution, by embezzling and converting to [their] own use and the use of others union funds; and
- 3. Violating Article XIX, section 6(b)(1) of the IBT Constitution and Article VI of the Constitution and Bylaws of IBT Local 239 by terminating without authority a trust fund consisting of union funds;

TO WIT, in or around 1988, [these six individuals] conspired and participated in a scheme . . . to embezzle and convert to [their] own use and the use of others approximately \$835,000.00 from the Retirement Plan for Employees of Local 239 (the "Plan"), a trust fund consisting of contributions made from local money on behalf of the Local's salaried officers and employees. Pursuant to this scheme, money from this fund was improperly distributed to [themselves] . . . and employees of Local 239.

The Plan was established pursuant to a decision of the executive board of Local 239 at a meeting held in or around December, 1962. At that meeting, the executive board authorized the president of Local 239 to replace the then-existing Local 239 Severance Fund with a "qualified Pension Plan with approval by Internal Revenue." At that meeting, the president was authorized to "proceed with the formulation, establishment and approval by Internal Revenue, of a Pension Plan for officers and employees of the Union. . . . "

Pursuant to this decision of the board, and the bylaws of Local 239, the Plan was established in or about early 1963. From 1963 through approximately September 1988, the Plan was funded by contributions made by Local 239 on behalf of its salaried officers and employees.

The Contribution and Bylaws of Local 239 provide, among other things, as follows:

Article VI, section 6. In order to maintain and develop officers and employees of ability in the service of the union, the executive board shall have the power and authority to establish a severance

plan and a retirement and pension plan for such officers and employees as it may deem desirable and to do any and all things necessary to place into effect such plans.

This power of the executive board is expressly limited by the Local 239 bylaws, which also provide in pertinent part as follows:

nd

ls

Article VI, section 3(k).... The Executive Board is empowered, in addition to such other general powers conferred by the bylaws or by statute to: ...(k) create trusts, terminate and effectuate same, provided, however, that the Executive Board shall not have the right to alter or terminate any trust fund established under Section 6 of this Article.

Despite this explicit provision of the Local 239 Bylaws prohibiting the board from doing so, on or about May 10, 1988, [the charged individuals] agreed to terminate the plan and divide up its assets amongst [themselves] and other employees of the Local.

On or about September 29, 1988, [the charged individuals] terminated the plan, effective July 1, 1988. When the Plan was terminated, [they] caused its then-accrued assets to be given to [themselves] as well as four employees. . . .

[They] participated and approved this improper distribution of assets from the Plan knowing that such a termination of the Plan was prohibited by the Local 239 Bylaws. This improper distribution was not for the benefit of Local 239 and its membership and served no legitimate interest of the local, but instead was solely for [their] personal benefit . . . and, [the] employees who were given money pursuant to this scheme.

Charge 2

- 1. Violating Article II, section 2(a) and Article XIX, section 6(b)(2) of the IBT Constitution, by conducting [themselves] in a manner to bring reproach upon the IBT; and
- 2. Violating Article XVIII, section 6(b) and Article XIX, section 6(b)(1) of the IBT Constitution by continuing to hold office in Local 239 and remaining in its employ after [they] received [their] improper distribution from the Plan and [were] ineligible to hold office or employment in Local 239;
- 3. Violating Article XIX, section 6(b)(3) by embezzling and converting to [their] own use and the use of others union funds, by continuing to receive salary and other benefits, including but not limited to raises granted to the board in conjunction with the termination of the Plan, after [they] had ceased to be eligible to hold office in or be employed by Local 239.

TO WIT, on or about September 29, 1988, [they] received [their] distribution from the Plan in the

approximate amount specified in Charge 1, effective July 1, 1988. Thereafter [they] remained in office and continued to receive salary and benefits from Local 239 although [they] were no longer entitled to hold office or be employed by the union.

The Plan, and its appurtenant trust, had been submitted by Local 239 to the Internal Revenue Service ("IRS") for approval as a tax exempt pension plan. The IRS issued such approval on or about June 13, 1963.

Article XVIII, section 6(b) of the IBT Constitution, provides as follows:

A member, including a Local Union officer, who is receiving pension benefits from any pension plan shall be considered to have retired. A retired Local Union officer shall not be eligible to hold any office or position he occupies by virtue thereof, as of the effective date of his retirement. Nor shall a retired Local Union officer be eligible to hold any other office or employment with his Local Union. A withdrawal card shall be issued to any member, including a Local Union officer, who has retired, except that a member who continues to work at the craft, excluding employment with his Local Union, shall be required to retain active membership.

Under this provision of the IBT Constitution [the charged individuals] were not entitled to hold office in or be employed by Local 239 after July 1, 1988, the effective date of [their] distribution from the Plan.

Despite this explicit provision of the IBT Constitution, [they] continued to hold office in and to be employed by Local 239. [They] did not take a withdrawal card as required by the IBT Constitution. . . . [They] did not cause a withdrawal card to be issued to the other members of the board who also became ineligible to hold office when they received their distributions from the Plan.

Although [they] were ineligible to remain in office or to be employed by Local 239, [they] . . . did so and received salary and other benefits to which [they] were no longer entitled from Local 239. After May 10, 1988, that salary included a raise of 16% which the board approved for itself and the other employees of the local . . . [such action] was not for the benefit of Local 239 and its membership, but instead was solely for your personal benefit.

Charge 3

- 1. Violating Article II, section 2(a) and Article XIX, section 6(b)(2) of the IBT Constitution by conducting [themselves] in a manner to bring reproach upon the IBT; and
- 2. Violating Article XIX, section 6(b)(3) of the IBT Constitution by embezzling and converting to the use of John Spada union funds;

Report XVII (continued)

TO WIT, [the charged individuals, including John Spada] caused to be paid to John Spada approximately 10 weeks salary in the guise of "severance" pay after he resigned as a paid officer and employee of Local 239. At the time [they] caused this payment to be made to Spada, [they] knew he already had received a "severance" benefit from the local, based on his tenure as an officer and employee when he received his distribution from the improperly terminated Plan.

Spada was the Secretary-Treasurer of Local 239. On or about May 18, 1990 Spada resigned, effective May 31, 1990 from his position as Secretary-Treasurer. On or after May 31, 1990 [the charged individuals, including Spadal caused to be paid to Spada a severance payment of at least 10 weeks salary, based upon his years of employment by the local. At the time [they] authorized this payment, [they] knew Spada had already received approximately \$170,267.00 upon the termination of the Plan. This payment represented contributions made with union funds based on his tenure with the local as of July 1, 1988. [They] also knew that, to compensate Spada for the alleged "loss" of union contributions on his behalf to the discontinued Plan, he had been given a 16% salary increase in May 1988 in lieu of further Plan contributions.

The additional payment of 10 weeks salary to Spada as "severance pay" when he resigned, amounting to approximately \$13,455.00, was based upon the same time period as his distribution from the Plan in 1988 and the period thereafter, when he received the 16% increase in lieu of further contributions to the Plan.

This double payment to Spada served no legitimate interest of Local 239 or its membership, but instead was solely for his personal benefit.

A hearing will be conducted on these charges and I will tell you about my decision in this matter in a future report.

3. My Review of Appointments

a. The Appointment of Jack B. Yager to the positions of International Vice-President and Director of the Central Conference

The appointments of Jack B. Yager as International Vice-President and Director of the Central Conference are still under review.

Under the Consent Order, I have the authority to review and veto appointments if I "reasonably believe[]" that an appointment "constitutes or furthers an act of racketeering activity . . . or furthers or contributes to the association directly or indirectly, of the IBT or any of its members with the L[a] [Cosa] N[ostra] or elements thereof."

To date, I have taken the sworn testimony of 13 International Vice-President and the General Secretary-Treasurer in an attempt to determine the facts and circumstances surrounding the appointments. I have yet

to take the testimony of Messrs. McCarthy, Yager and one remaining Vice-President, but intend to do so shortly. As always, I will update you further on this matter in future Reports.

b. The Removal of Vice-President Jack Cox

In my last report, I informed you that I had learned that Vice-President Jack Cox was relieved of certain responsibilities in relation to Joint Councils 38 and 7. I requested IBT General Counsel Grady to inform me, by letter dated September 5, 1990, if someone was going to be appointed to assume Mr. Cox's responsibilities. Mr. Grady has advised me that the region formerly designated as Vice President Cox's responsibility has been reassigned to Vice President Riley.

c. The Removal of Barbara Christe and Vincent Trerotola

On October 1, 1990, I wrote to IBT General Counsel James T. Grady and indicated that I had recently learned that General President McCarthy removed Barbara Christe and Vincent Trerotola as International Representatives. I reminded Mr. Grady that if General President McCarthy intends to replace Ms. Christe and/or Mr. Trerotola, that the proposed appointments would have to be placed before me for review.

d. The Appointment of Thomas R. O'Donnell

I am also reviewing General President McCarthy's appointment of Thomas R. O'Donnell (the President of Local 817 in Lake Success, New York) to the position of Director of the Trade Show and Movie-Making Trade Division. In connection with this appointment, I will, among other things, be taking the sworn testimony of Messrs. McCarthy and O'Donnell.

e. The Appointments of Roy E. Herrick, Larry D. Parker, R.V. Durham and William T. Hogan, Jr.

I have also reviewed the following appointments and have informed the IBT that I would not veto them:

Roy E. Herrick — Retiree Department Director

Larry D. Parker — Coordinator for the 1991 International Convention

R.V. Durham — Director of the National Freight Divi-

William T. Hogan, Jr. — Director of the Convention and Exposition Centers Trade Division

f. The Appointment of General International Organizers

The following appointments of the General International Organizers have also been placed before me for review: Earl Lee Parker, Charles M. Byrnes, Alan K. Barnes, Gary C. Stevenson, David K. Smith, Robert J. Ramshaw, David M. Barry and Weldon L. Mathis, Jr.

I have informed the IBT that I would not veto the appointments of Messrs. Smith, Ramshaw, Barnes, Stevenson or Parker. My review of the proposed appointments of Messrs. Byrnes, Barry and Mathis Jr. continues.

g. The Appointment of Robert T. Simpson, Jr.

General Counsel Grady has informed me that General President McCarthy wishes to appoint Robert T. Simpson, Jr., to a position in the IBT, but that he "is undecided as to which position he will appoint Mr. Simpson." Mr. Simpson is currently the President of Local 743 in Chicago, Illinois. I have informed Mr. Grady that while I would begin my review of the proposed Simpson appointment, I could not complete my review until General President McCarthy informs me of the position to be held by Mr. Simpson.

h. The Appointment of Daniel F. Darrow As An International Vice-President

General President McCarthy has indicated that he intends to appoint Dan Darrow as an International Vice-President. Mr. Darrow is currently the Secretary-Treasurer of Local 348, the Secretary-Treasurer of Joint Council 41, and a trustee of Joint Council 41. My review of the proposed appointment continues.

II. CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022

Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Court Order of Judge Edelstein

United States District Court Southern District of New York

OPINION & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

IN RE:

d

APPLICATION XIII BY THE INDEPENDENT ADMINISTRATOR

Appearances: CHARLES M. CARBERRY, Investigations Officer, New York, New York, Robert W. Gaffey, of counsel;

-V-

FISCHETTI & RUSSO, New York, New York, Ronald G. Russo, of counsel, for William Cutolo;

DUBLIRER, HAYDON, STRACI & VICTOR, New York, New York, Ronald A. Straci, of counsel, for Cirino Salerno.

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement in the action commenced by plaintiff United States of America (the "Government") against defendants International Brotherhood of Teamsters (the "IBT") and the IBT's General Executive Board (the "GEB") embodied in the voluntary consent order entered March 14, 1989 (the "Consent Decree"). The remedial provisions in the Consent Decree provided for three Court-appointed officials, the Independent Administrator to oversee the remedial provisions, the Investigations Officer to bring charges against corrupt IBT members, and the Election Officer to oversee the electoral process leading up to and including the 1991 election for International Officers (collectively, the "Court Officers"). The goal of the Consent Decree is to rid the IBT of the hideous influence of organized crime through the election and prosecution provisions.

Application XIII seeks this Court's review the August

Court Order (continued)

20, 1990 opinion of the Independent Administrator. The Independent Administrator held that the Investigations Officer had sustained his burden of demonstrating that there was just cause to find that IBT officers Cirino "Charles" Salerno and William Cutolo had breached their duties under the IBT constitution by knowingly associating with organized crime figures.

The opinion of the Independent Administrator is affirmed.

I. Background

Cirino "Charles" Salerno was the president of Local 272 located in New York, New York. Salerno was charged with two violations of Article II, §2(a) of the IBT constitution ("Article II, §2(a)"), the membership oath of the IBT where members swear not to bring reproach upon the Union. The charges filed by the Investigations Officer specifically allege that Salerno brought reproach upon the IBT by (1) knowingly associat[ing] with members of organized crime, and (2) being convicted in New York State Supreme Court for violating New York Labor Law §725 by accepting two \$500 payments from an employer of members of Local 272. Salerno appeared at the hearing before the Independent Administrator, but does not contest the decision before this Court. Salerno notified this Court by letter that he had resigned from the IBT effective September 14, 1990.

William Cutolo was the president and business agent of Local 861 in New York, New York. Cutolo was charged with violating Article II, \$2(a), and Article XIX, \$6(b) of the IBT constitution. The charges filed by the Investigations Officer specifically allege that Cutolo was a member of La Cosa Nostra, and knowingly associat[ed] with members of La Cosa Nostra. Cutolo did not appear before the Independent Administrator to contest the charges, but challenges the decision before this Court. Cutolo resigned from his IBT position effective February 1, 1990.

Article II, §2(a) provides in relevant part that every IBT member shall "conduct himself or herself in such a manner as not to bring reproach upon the Union. .." Article XIX, §6(b) provides the bases for bringing disciplinary charges against IBT members. Article XIX, §6(b)(1) indicates that violating any specific provision of the IBT constitution is chargeable conduct. Article XIX, §6(b)(2) states that transgressing the IBT oath of office is chargeable conduct.¹

II. The Findings of the Independent Administrator

Salerno does not challenge the substance of the Independent Administrator's decision to this Court. Cutolo challenges jurisdiction over him, and the sufficiency of the proof before the Independent Administrator.

A. Standard of Review

With respect to the disciplinary and investigatory provisions of the Consent Decree, the IBT General President and GEB delegated their disciplinary authority under the IBT constitution to the Court Officers. United States v. International Brotherhood of Teamsters, (2d Cir., slip opinion June 1, 1990 at 30-32), aff'g March 13, 1990 Opinion and Order, 735 F. Supp. 506 (S.D.N.Y. 1990); November 2, 1989 Memorandum and Order, 725 F. Supp. 162, 169 (S.D.N.Y. 1989); January 17, 1990 Memorandum and Order, 728 F. Supp. 1032, 1048-57 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990); Local 27 v. Carberry, et al., July 20, 1990 at 3-4 (S.D.N.Y. 1990); Joint Council 73 et al. v. Carberry et al., July 23, 1990 at 4-6 (S.D.N.Y. 1990); August 27, 1990 Opinion and Order at 5–6. The Independent Administrator and Investigations Officer are stand-ins for the General President and GEB for the purpose of the instant disciplinary actions. Hearings before the Independent Administrator are conducted pursuant to the same standards applicable to labor arbitration hearings. Consent Decree, ¶F.12.(A)(ii)(e).

de

In

Ac

fre

th

Paragraph F.12.(C) of the Consent Decree mandates that the Independent Administrator must decide disciplinary hearings using a "just cause" standard. Consent Decree at 9. Paragraph K.16 provides that this Court shall review actions of the Independent Administrator using the "same standard of review applicable to review of final federal agency action under the Administrative Procedures Act." Consent Decree at 25. This Court may only overturn the findings of the Independent Administrator when it finds that they are, on the basis of all the evidence, "arbitrary or capricious." This Court and the Court of Appeals have interpreted ¶K.16 to mean that decisions of the Independent Administrator "are entitled to great deference." 2d Cir., Slip Opinion, June 1, 1990 at 15, aff'g March 13, 1990 Opinion and Order, 735 F. Supp. 506, 511 (S.D.N.Y. 1990).

B. Salerno

Salerno does not contest the Independent Administrator's determination that the Investigations Officer demonstrated just cause to find that the charges had been proved against him. Salerno informed this Court on August 30, 1990 that he had resigned from the IBT on that date, effective September 14, 1990. As a result, Salerno asserts that the findings and penalty imposed by the Independent

Administrator are moot.

Salerno's resignation from the IBT in no way renders the decision of the Independent Administrator moot. The Independent Administrator permanently barred Salerno from the IBT. But his voluntary resignation would not prevent Salerno from returning to the IBT at any point in the future. Such a possibility is clearly at odds with the penalty imposed by the Independent Administrator, which would preclude Salerno's return to the IBT. Salerno's mootness argument is simply meritless.

Salerno does not challenge that the evidence before the Independent Administrator established just cause that he knowingly associated with organized crime figures. The

¹The full text of the relevant IBT constitutional provisions and the full text of the charges against Senese and Cutolo are set out in the Independent Administrator's opinion. *See* Opinion of the Independent Administrator, August 20, 1990 at 2–4.

Independent Administrator exhaustively detailed the evidence against Salerno. See August 20 Opinion of the Independent Administrator at 9–29. The Independent Administrator relied upon the affidavit and testimony of FBI Special Agent R. Lindley DeVecchio, (Ex. IO-1), drawn from exhibits, recorded surveillance, and expert conclusions. This evidence detailed the ties between Salerno and the Genovese La Cosa Nostra Family. Additionally, Salerno does not now challenge that the second charge against him relating to his criminal conviction had been proved.

The evidence relied upon by the Independent Administrator was more than sufficient to support his finding that just cause existed to find that the charges against Salerno had been proved by the Investigations Officer. There is no basis in the record before this Court that this determination of the Independent Administrator was arbitrary appropriate.

bitrary or capricious.

C. Cutolo

Cutolo did not appear at the hearing before the Independent Administrator to contest the charges. In response to this Application, Cutolo challenges the decision of the Independent Administrator in a number of respects. First, he argues that there was no jurisdiction over him. Second, Cutolo asserts that the evidence before the Independent Administrator was insufficient to sustain the charges against him. Both of these arguments are vacuous.

Cutolo's jurisdictional arguments are fatuous. As a preliminary matter, it is utterly beyond dispute that the disciplinary provisions of the Consent Decree are binding on non-signatory members of the IBT. United States v. International Brotherhood of Teamsters, (2d Cir., slip opinion June 1, 1990 at 30-32), aff'g March 13, 1990 Opinion and Order; November 2, 1989 Memorandum and Order, 725 F. Supp. 162, 169 (S.D.N.Y. 1989); January 17, 1990 Memorandum and Order, 728 F. Supp. 1032, 1048-57 (S.D.N.Y. 1990), aff'd (2d Cir., slip opinion, June 27, 1990); Local 27 v. Carberry, et al., July 20, 1990 at 3-4 (S.D.N.Y. 1990); Joint Council 73 et al. v. Carberry et al., July 23, 1990 at 4-6 (S.D.N.Y. 1990); August 27, 1990 Opinion and Order. As the disciplinary stand-ins for the General President and GEB, the Court Officers have jurisdiction to hear charges and impose penalties against former IBT members relating to their IBT duties.

Cutolo essentially argues that because he had resigned from the IBT on February 1, 1990, the Independent Administrator had no jurisdiction to hear charges over him. Cutolo's noting the judgment in the separate action of *United States of America v. Local 6A, et al.*, 86 Civ. 4819 (VLB) is utterly irrelevant to the instant matter. His stipulation that he would have invoked the Fifth Amendment if called to testify in the underlying RICO case similarly bears no relevance to the hearing before the Independent Administrator. As the disciplinary stand in for the General President, the Independent Administrator had jurisdiction to hear charges against a former IBT officer relating to his IBT activities.

As to his challenges to the sufficiency of the evidence before the Independent Administrator, Cutolo failed to appear at the hearing and waived any right to challenge that evidence on appeal. Cutolo has offered no reason for his failure to appear before the Independent Administrator. Despite Cutolo's absence, the uncontroverted evidence offered by the Investigations Officer was carefully scrutinized by the Independent Administrator. The Independent Administrator even refused to admit some of the Investigations Officer's exhibits. The Independent Administrator's determination that the uncontroverted evidence against Cutolo established just cause that the charges had been proved was not arbitrary or capricious.

III. Conclusion

The Independent Administrator's decisions of August 20, 1990 with respect to the sufficiency of the charges against Senese and Cutolo are hereby affirmed. The decisions of the Independent Administrator that Senese and Cutolo should be given lifetime suspensions from the IBT are hereby affirmed. The Independent Administrator's determinations that the penalties against Senese and Cutolo should include the termination of health and welfare benefits is reserved pending the specific resolution of that issue.

So Ordered.

Dated: September 18, 1990 New York, New York

/s/ haz Ease Chi

DRIVE Support Key to Important Legislation

RIVE (Democratic, Republican, Independent Voter Education), the Teamsters' political action committee (PAC), is by far the most effective means of supporting those political candidates we want in office. Most politicians in Washington, D.C., and at the state level feel the benefit of Teamster support this election season. Many issues are slated for Congressional consideration, such as a ban on the hiring of replacement workers, and safety in construction and in hazardous waste removal. As a participant in DRIVE, your voice, and a united Teamster chorus, will be heard in Congress and in your state legislature.

Since their first inaugural convention in 1903, the Teamsters have been involved in the political process at the federal and state levels, and for that reason DRIVE was established as the way for Teamster members to contribute money to a PAC fund and participate directly in this area of the political process. This fund became increasingly necessary upon the passage of the Federal Elections Act in 1976, which created the Federal Elections Commission (FEC), today's regulator of PACs throughout the United States. Federal law requires that no general moneys can be used for political purposes, so PACs were created as a completely separate fund to which members can voluntarily make contributions.

"DRIVE is the most powerful PAC in the nation," reports David Sweeney, director of the International's Department of Legislation, "and this is our best year ever with \$5 million in expected contributions, compared with a record \$4.6 million for last year, 1989. We transfer back to local unions and joint councils a substantial portion of DRIVE contributions for federal and state candidates." The Union needs this strength in order to

carry out a decisive political strategy that protects the jobs, lives, and families of all Teamster members.

Current Issues

Replacement worker legislation is probably one of the most important legislative issues Teamsters have encountered for years. A bill introduced by Representative William Clay (D-MO) provides for the prohibition against an employer's hiring of permanent replacements for workers who have gone out on strike. Employers in recent times have been known to replace a striking worker—filling his/her job with a permanent replacement instead of properly negotiating at the bargaining table. Additionally the bill would prevent employers from offering preferential treatment to strikers who break picket lines and return to work.

Currently, the two bills before Congress—H.R. 3936 and S. 2112 will have to stand up to the normal legislative process, but the Teamsters Union will not waiver from either bill, inasmuch as the Union represents the right of workers to protest unfair job conditions, wages, and other grievances. "We are pushing very hard for passage of the Clay bill and its companion legislation in the Senate. . . . We've signed up 180 cosponsors in the House and 15 in the Senate, but we need to win more to our side,' DRIVE Director Sweeney noted. "General President McCarthy has also taken a strong position on representatives and senators who will not support this legislation. He has promised *not* to support them with DRIVE funds—a very direct way to handle the situation.'

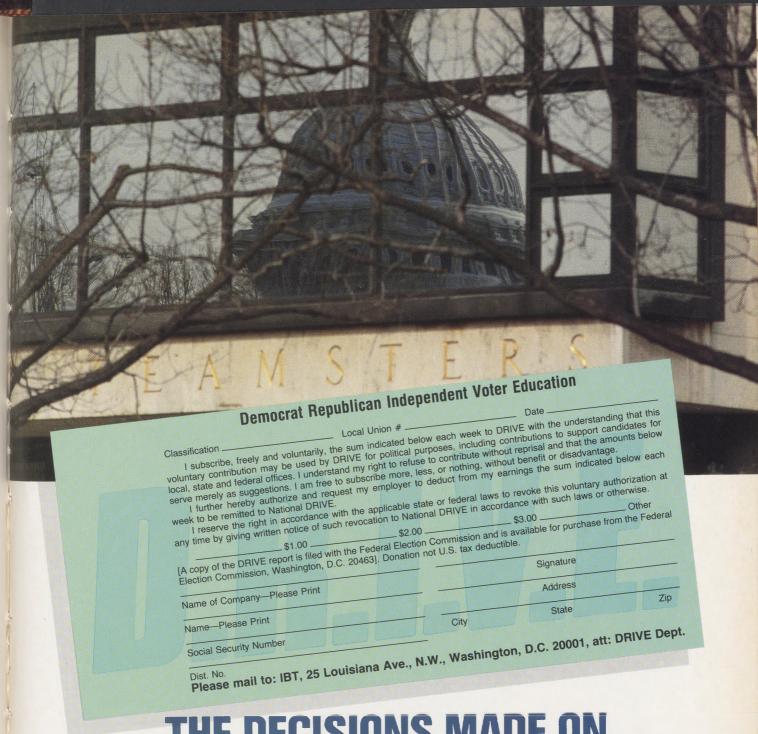
Job Safety and Health

When the Occupational Safety and Health Act (OSHA) was passed in the 1970s, its legislative man-

date was, "to assure, so far as possible, every working man and woman in the nation, safe and healthful working conditions." Unfortunately, this directive has fallen far short of its intended goal. Almost 10 construction workers a day lose their lives at their jobs, and scores are seriously injured. The statistics are inexcusable. However, the Construction Safety, Health and Education Improvement Act has been introduced in both Houses of Congress. The main feature of this new legislation is to implement a project-wide safety management system at each construction site. This should result in a much improved daily working environment.

Another volatile issue to workers is that, despite nearly 200,000 recorded deaths of workers while on their jobs during the 18 years since OSHA's enactment, not one employer has spent a single night in jail. This is largely due to existing Occupational Safety and Health Administration criminal penalty provisions which are extremely weak and the Administration's reluctance in enforcement and prosecution. Fortunately, the OSHA Criminal Penalty Reform Act has been introduced to remedy this injustice to American workers. The bill would increase the penalty for a willful violation resulting in death, and it would create a new criminal sanction for willful violations which result in serious bodily injury. Individuals convicted of an occupational crime would be personally liable for payment of criminal fines imposed.

With these two OSHA issues in addition to replacement worker legislation currently before Congress and being prepared for the 102nd session of Congress, we have renewed confidence that our workers will receive the protections for their health, salaries, and benefits they so well deserve.



as nd nd nen

d.

e-in in is

lt

g

S

n

e 1-

n

h

.

4

S

e

THE DECISIONS MADE ON CAPITOL HILL REFLECT ON YOU, AND ON YOUR UNION.

NOW MORE THAN EVER, SUPPORT IBT D.R.I.V.E.

Now is the time to support the friends of labor who speak out for working men and women everywhere. Show your support by increasing your contributions to the Teamsters' D.R.I.V.E. (Democrat, Republican, Independent Voter Education).

Through your contributions, the Teamsters can continue to have that much needed voice on Capitol Hill.

Invest in your future, return your D.R.I.V.E. coupon today.

1990-91 SCHOLARSHIPS

For high school
seniors who are sons
and daughters
of Teamster

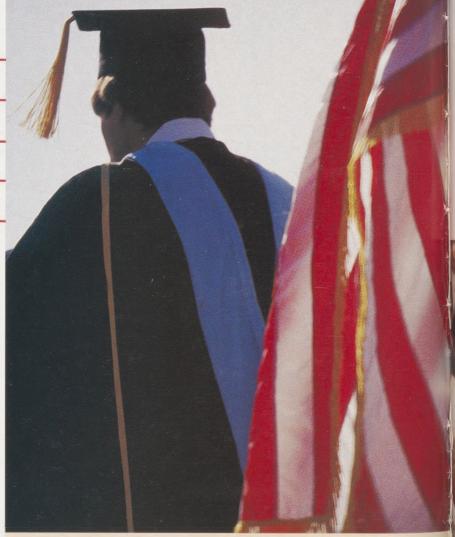
members.

The competition is open to sons and daughters of active, retired, disabled, deceased or recently laid-off Teamster members. Student must be a high school senior, and be in the top 15 % of his/her class. Student must submit high SAT or ACT test scores. Student must show financial need. Dependents of union officers or employees may not apply. The deadline for the completed application is December 15, 1990 and for any other additional requirements

requirements

March 15, 1991.





Mail in form below for your application now!

International Brotherhood Of Teamsters Scholarship Fund

I have read the eligibility requirements above and would like to apply for a scholarship. Please send me an application. After receiving my application, I will complete it and mail it to my Teamster parent's local union.

Name:		
Address:		
City/State/Zip:		

25 Louisiana Avenue, N.W., Washington, D.C. 20001

International Brotherhood Of Teamsters

THE INTERNATIONAL
DECEMBER 1990

TEANSTER

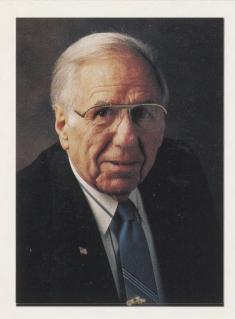






THE PRESIDENT'S

MESSAGE



The national election that concluded last month produced less of a mandate for Congress than a message from the voters to stick to basics. I believe that the American electorate wants Congress to focus on the economic issues that affect working families and to make adjustments that will benefit them economically.

As far as the election in general was concerned, there were few changes in Congress, and more in governorships, with the voters leaving their imprints that they were unhappy with current leadership. DRIVE-endorsed candidates did very well in the 1990 elections, not only at the federal level, but across the nation in the state houses.

We are left with the memory of some rather ugly campaigns played out in the media. Of course, there was the usual array of negative campaign commercials and mudslinging. I cannot help but wonder what effect these ads and the media interpretation in general had on the outcome of several hotly contested races. News coverage of some candidates was most likely distorted, due to the media's tendency to sensationalize and to show favoritism. Teamsters members can easily identify with such distor-

tions by the news media.

For years, Teamsters have complained that the media ignores the great good that the Union does for its members and their families. Now, there is evidence, developed by an independent source, that proves what we have been saying all along.

A study recently released by a group known as FAIR (Fairness & Accuracy in Reporting) uses a variety of research methods to survey media coverage of American workers and labor unions in 1989. FAIR concludes: "the lives of 100 million working people are being routinely ignored, marginalized, or inaccurately portrayed in the media."

Focusing on the media attention given the Teamsters Union, the study says, "Reading the 1989 newspaper coverage of the International Brotherhood of Teamsters, you might think that the union's 1.7 million members—freight drivers, brewery workers, etc.—were all crooks. . . . Lost is the sense of thousands of workers banding together for collective goals against recalcitrant employers."

The New York Times printed 37 stories on the Teamsters last year, almost all of which focused on crime and corruption, according to the study. Only six dealt with collective bargaining or organizing. Other major newspapers performed no better. Only two of the Los Angeles Times' 26 stories had a noncrime theme. Just six of the Wall Street Journal's 21 articles on the Teamsters covered labormanagement relations. All eight Washington Post articles focused on corruption.

"As for television," FAIR concludes, "the networks carried five minutes and 10 seconds on the Teamsters. For loyal viewers of ABC, the union didn't even exist—it did not receive a single second of air time."

The most disturbing element of

this situation is that we pay a significant price for the media's focus on allegations of corruption. It hinders not only our ability to organize new members but also our ability to rally public support for our member's legitimate collective bargaining goals.

I am probably the harshest critic of the media in the Teamsters Union. As a Teamster member who has served the Union for 50 years, I have felt the sting of unsubstantiated and unfair attacks by the so-called "journalists" who will take cheap shots at me and the Union if their sensational stories will help sell more papers. I will not back down, however. I am proud to be a Teamster.

GEBWGSWWGSWJFSNJSLHET

We are working at IBT headquarters to develop aggressive communications programs that will tell our side of the story. Teamster affiliates across the United States and Canada are also enhancing their ability to deal effectively with the media and to deliver the Teamster message. At the same time, every member and every local officer has a role to play in achieving our public relations goals.

Talk to your friends and neighbors. Let them know about the spirit of helping people that has built the Teamsters into the largest and strongest union in North America.

In closing, I want to take this opportunity to wish Teamster members everywhere a happy, healthy, and safe holiday season. My hope is that the new year brings bright horizons for the International Brotherhood of Teamsters and that we can work together, in unity, to achieve our goals. God bless and enjoy the holidays!

Fraternally,

William J. McCarthy

General President

TEANSTER DEDICATED TO SERVICE

Official magazine of the international Brotherhood of Teamsters, Chauffeurs Warehousemen and Helpers of America, AFL-ClO, 25 Louisiana Ave., N.W., Washington, D.C. 20001 (ISSN0020-8892)



a

's

0

rs

S,

n

k

e

er

25

g

h

g

ie

st

r

S

General
Executive
Board
WILLIAM J. McCARTHY

General President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
WELDON L. MATHIS
General Secretary-Treasurer
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JOSEPH TREROTOLA
First Vice President
265 W. 14th St., Rm. 1201
New York, New York 10011
JOSEPH W. MORGAN
Second Vice President
1250 E. Hallandale Beach Blvd.
Hallandale, Florida 33009
EDWARD LAWSON
Third Vice President
29260 Taylor Rd.
Mt. Lehman, B.C., Canada VOX 1V0
ARNIE WEINMEISTER
Fourth Vice President
553 John Street. Room 28
Seattle, Wash. 98109
WALTER SHEA

WALTER SHEA
Fifth Vice President
25 Louisiana Ave., N.W.
Washington, D.C. 20001
JACK D. COX
Sixth Vice President
450 Carson Plaza Drive
Carson, California 90746
DON L. WEST
Seventh Vice President
50 Bagby Drive
Birmingham, Alabama 35209
MICHAEL J. RILEY
Eighth Vice President
1616 West Ninth St., Suite 300
Los Angeles, Calif. 90015
T.R. COZZA
Ninth Vice President
625 Stanwix St., Suite 1903
Pittsburgh, Pa. 15222
DANIEL C. LIGUROTIS
Tenth Vice President
300 South Ashland Avenue
Chicago. Illinois 60607

FRANCIS W. HACKETT Eleventh Vice President 544 Main Street Boston, Mass. 02129 R.V. DURHAM Twelfth Vice President 25 Louisiana Ave.. N.W. Washington, D.C. 20001 MITCHEL LEDT Thirteenth Vice President 207 Royal Street New Orleans. Louisiana 70177 GEORGE J. VITALE

GEORGE J. VITALE Fourteenth Vice President 1625 Fort Street Wyandotte. Michigan 48192 JACK B. YAGER Fifteenth Vice President 8801 E. 63rd Street—Suite 208 Kansas City, Missouri 64113

Trustees BEN LEAL 185 Berry St., Suite 3510 San Francisco, Calif. 94107 ROBERT G, DERUSHA 609 Beacon St., Suite 501 Boston, Massachusetts 02215 December 1990

Volume 87, No. 12

- 2 National Master Freight Gets Underway Two-man Committee meets in Chicago
- 4 Teamsters Black Caucus Meets in New Orleans
 Annual conference stresses unity,
 membership expansion
- 9 Report Shows Media Unfair to Labor Biased coverage gives clouded picture of unions, workers
- 10 Major Wins for Pan Am Workers Significant improvements in final contract proposal
- 14 Western Conference Sponsors Seminar Four hundred delegates attend
- 18 Support Continues for U.S. Troops
 Teamsters to transport books
 and gifts to depots
- 20 Daily News Strike Persists Teamsters back unions' battle against scab paper
- 22 Alton, Illinois, Members Assist Coworkers
 Proceeds from their effort help two
 members' children
- 28 Report XVIII to Teamsters Members
 A message from the Independent Administrator
- 31 Order of the Court
 Ruling of District Judge Edelstein



9



1



10

The International Teamster has an average monthly circulation of 1,886,230 and an estimated readership of 5,000,000 (based on average internatial surveys of periodicals). It is the largest labor publication in the world.

Editorial material should be addressed to: Teamsters Union, Communications Department, 25 Louisiana Ave., N.W., Washington, D.C.

© 1990 International Brotherhood of Teamsters. Rights reserved. Reproduction in whole or part without written permission is prohibited. International Brotherhood of Teamsters, 25 Louisiana Avenue, N.W., Washington, D.C. 20001

POSTMASTER—Send address changes to *The International Teamster*, Mailing List Department, 25 Louisiana Ave., N.W., Washington, D.C. 20001. Published monthly at 25 Louisiana Ave., N.W., Washington, D.C. 20001 by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO. Second class postage paid at Washington, D.C., and additional mailing offices. Printed in USA. Subscription rates: Per annum \$2.50. Single copies, 25 cents. (All orders payable in advance.)



Members' Input Governs IBT Demands

During Freight Contract Bargaining

Successful contract negotiations demand that negotiators understand exactly what the membership wants and needs from a new agreement, according to Teamster leaders.

Union negotiators recently set out to gain that understanding by reaching out to the membership. They asked every local union with members working under the National Master Freight Agreement (NMFA) to call meetings and solicit input from the members on how the contract should be changed.

Holding these meetings over the months of September and October, local unions from across the United States collected thousands of suggestions from Teamster freight members for changes and improvements in the NMFA and its

various supplements.

Culminating the lengthy and careful process of proposal review, designed to guarantee that the negotiators would be guided by the will of the membership, representatives from every freight local in the Union gathered in Chicago, Illinois, on November 15. At this meeting, the local freight representatives unanimously voted to endorse a set of proposed changes advanced by the negotiating committee. Selected from the freight



Representatives of every Teamster freight local were on hand; they unanimously endorsed a set of proposed changes advanced by the negotiating committee.



General President McCarthy: "Our National Negotiating Committee is not going to take one step backward.

members' suggestions, these contract demands are scheduled, as this issue goes to press, to be presented to industry employers on November 27.

McCarthy Speaks

"No givebacks!" was the promise made by Teamsters General President William J. McCarthy to the Union's freight representatives at the Chicago meeting. "Our National Negotiating Committee is not going to take one step backward."

Stressing that unity is critical in achieving the Union's bargaining goals, the Teamster leader asked for the "cooperation of all locals."

McCarthy, who received two lengthy standing ovations from the freight local leaders, explained that although he would not be a candidate for election in 1991, he is continuing as general president and would fight in every way for the best possible freight contract for the Teamster membership.

He indicated that his primary goal, as long as he was general president, would be to serve the best interests of Teamster members. He also stressed that he would run the Convention in June, 1991, and would see through his goals and agenda.

N

in

R.V. Durham, director of the Teamsters National Freight Division and an international vice president, observed that the Union would be "negotiating with an industry that is more divided than ever." The National Negotiating Committee will be bargaining separately with three industry groups— Trucking Management, Inc., the Motor Carrier Labor Advisory Council, and Regional Carriers, Inc. Moreover, the Union will also be bargaining separately with Yellow Freight for the first time. Yellow is the largest single employer of Teamster members in the freight industry, with 24,000 members.

"It will be our objective, as in the past, to set national standards with these negotiations," Durham assured the Teamster freight representatives. "We will meet the needs of our members regardless of the negotiating scenario."

We Are Ready

Praising the local leaders for encouraging the input of Teamster freight members in the negotiating

process, Durham noted that the Negotiating Committee received over 5,000 suggestions for changes in the contract. As a result, the IBT had prepared for months to ready the Committee for negotiations.

The IBT Research Department collected the proposals; read each one carefully; broke them down by contract, article, and section; and categorized them by content. Representatives of the IBT Legal, Economics, and Safety and Health Departments also contributed to the Negotiating Committee's preparations for bargaining.

General President McCarthy, who serves as chairman of the Negotiating Committee, convened a meeting of the National Screening Committee, comprised of conference freight division directors and representatives from each of the four U.S. area conferences. The National Screening Committee met in Washington, D.C., in early November to review the members' proposals that would alter specific language in the Master agreement or that would require an expenditure of money by the employers.

ie

3-

n

n

g

)-

e

y

3,

ηt

n

S

n

)-

r

Other Teamster negotiators met at locations in each of the area conferences to consider proposals for changing nonmonetary provisions in the supplemental agreements. Containing complicated and crucial language concerning local working conditions, these proposals were given close scrutiny by the Teamster bargainers.

It is especially important for the negotiators to be well-informed and prepared for tough negotiations, inasmuch as industry observers are expecting hard bargaining.

While the NMFA continues to set the standards for wages, benefits, and working conditions in the freight industry, negotiations will be conducted in an atmosphere of uncertainty.

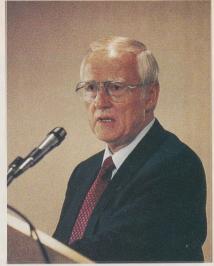
Many workers sense that their jobs are in jeopardy, considering the recent downturn in the economy, and the shortsighted wave of rate-cutting continues to wrack the industry—a condition that Durham contends freight managers are bringing on themselves. At the same time, the workers have expressed through their suggested contract changes, the need to make economic gains in the new agreement.

Unity Behind Bargaining Goals

Teamster negotiators are committed to winning the best possible agreement for the freight membership. The current National Master contract, which expires March 31, 1991, covers 200,000 Teamster members across the United States. These members work as over-theroad and local cartage drivers, dock



The Teamsters General Executive Board and other Teamster freight experts were at the meeting to share their advice and insight.



International Vice President R.V. Durham, director of the IBT Freight Division, said "the needs of the membership will be met."

workers, mechanics, clerical personnel, and in related occupations.

Harnessing the strength and support of the entire Teamsters organization behind the members' bargaining goals is a key element in McCarthy's and Durham's efforts to bargain effectively. The Teamster leaders are asking every local, joint council, and area conference to close ranks behind the freight membership. With "job security a fundamental goal," according to Durham, it is also important to rally the members around this particular platform.

Cautiously optimistic that the employers will see it in their best interests to reach a fair and just agreement without provoking a strike or calling a lockout, negotiators must nonetheless prepare for whatever the companies might propose or contest during the bargaining process. Local union support is key to being prepared, and solidarity, essential.

Only through a strong network of local union support can the negotiating committee achieve job and financial security for the freight members. Educating and organizing the membership are critical, so that they have the knowledge, skills, and determination to help the negotiators achieve the security that the membership deserves.

Teamsters National Black Caucus Stresses Unity, Seeks New Members



The 15th annual Teamsters Black Caucus saw a gathering of more than 200 delegates. Addressing the crowd was IBT Vice President Mitch Ledet.

he Teamsters National Black Caucus is sitting on a gold mine of strength—a potential membership of over 300,000 African-American Teamsters, according to estimates by Caucus leaders.

Signing up those Teamsters as members of the Black Caucus and fulfilling the organization's awesome potential became the primary goals that more than 200 delegates set for the Caucus at its 15th annual conference, held recently in New Orleans, Louisiana.

On the Move

"The Teamsters Black Caucus is

Edward "Doc" James, chairman of the Teamsters Black Caucus, addresses delegates and quests at the annual meeting.

on the move," Caucus Chairman Edward "Doc" James told the delegates. "We are enrolling new members and developing programs that will make the Black Caucus an even more vital force in the International Brotherhood of Teamsters."

Stressing that the "main goal" of the Black Caucus is "to improve on the Teamsters' tradition as the greatest union in the world," the Chairman encouraged the delegates that "together we are making a difference."

"Through our participation in all the activities of the Union, we have been able to focus attention on the needs and desires of Black Teamsters everywhere," he said.

International Vice President Mitchel Ledet, who was honored at a gala dinner concluding the Caucus gathering (see box), welcomed delegates from across the United States and Canada to his hometown of New Orleans. Ledet pointed out the irony in that the 15th annual meeting of the Teamsters Black Caucus was held in the very same room as the group's founding meeting. "There were 25 to 30 people here then," he recalled, surveying the crowd of more

than 200 delegates. "Today, we have arrived."

Support for South Africa

Vice President Ledet recently joined with his colleagues on the IBT's General Executive Board in adopting a resolution that supports the development of political pluralism and free trade unionism in South Africa. The resolution pledges that the Teamsters Union will:

- Continue support of political and economic pressure until apartheid is ended and a free, democratic, and just society is established;
- Support the strengthening of sanctions until apartheid joins segregation in the dust bin of history;
- Develop bilateral relationships with our sister unions in South Africa.

"Recogniz[ing] the difficult road ahead," in achieving these goals, the General Executive Board members resolved that "we are unwavering in our willingness to travel that road along with the social and political movements in South Africa that are engaged in the struggle for a multiracial, democratic society with vibrant, independent trade unions."



General Secretary-Treasurer Weldon L. Mathis updates delegtes about developments at the International.



Robert Simpson, president, Local 743, Chicago, IL.

Speakers Encourage Unity

25

IS

d

Several members of the IBT's General Executive Board attended the Black Caucus meetings, including Vice Presidents R.V. Durham, Edward Lawson, Frank Hackett and George Vitale. Introduced by Doc James as "a very close friend of the Teamsters Black Caucus," General Secretary-Treasurer Weldon L. Mathis reviewed the financial status of the IBT, and reiterated his commitment to Teamster members.

Organizing, Drive

Lou Richard, an international organizer, updated the Black Caucus delegates on the status of the organizing campaign involving the 12,000 employees at Overnite Transportation Company. Richard encouraged the delegates to get involved in this important campaign, particularly in making personal contact with Overnite workers.

Claude Brown, a representative of the IBT's DRIVE Department, addressed the delegates on the need to stay active in the Teamsters' political action program beyond the November elections. He also discussed several important pieces of legislation at both the federal

Black Caucus Honors Ledet



International Vice President Mitch Ledet (at microphone) was honored by the Teamsters Black Caucus at a special dinner. Shown seated are (from left): Mrs. Janet Ledet and Sidney Chism, SCT organizer.

he Teamsters Black Caucus honored International Vice President Mitchel Ledet at a dinner held in conjunction with the Caucus's 15th annual meeting in New Orleans, Louisiana.

At the dinner, Edward "Doc" James paid tribute to Vice President Ledet as "a close friend, and one of those rare individuals who combines his passion for living with his conviction for caring."

Teamsters and members of the New Orleans community have come to know the Vice President as an activist, serving his fellow citizens in a variety of roles. Highly involved in local civic and economic programs, he has served as a member of the Economic Development Council, the Governor's Study Commission on Ports, the Advisory Board of National American Bank, the Sewerage and Water Board, the Urban League of New Orleans, the Planning Commission of the City of New Orleans, the Board of Directors of the American Red Cross, and as a commissioner of the Regional Transit Authority.

Mitch Ledet became a member of Teamsters Local 270 in New Orleans as a truck driver in 1954. First becoming a business agent for the Local in 1965, he has served as its president since 1981. He has also served on the IBT's General Executive Board since 1984. A strong family man, with three daughters and two sons, he currently lives with his lovely wife Janet in New Orleans.

Proceeds from the dinner were donated to an educational foundation developed by Patrick F. Taylor, a Louisiana oilman, who is promoting a state program that guarantees the opportunity for disadvantaged children to attend college. The Teamsters Black Caucus sent a check for \$65,000 to the program.

Black Caucus

(continued)

and local levels, which affect the Teamsters Union and Teamster members.

An address by Robert Simpson, encouraging Teamsters everywhere to stay unified through the upcoming challenges facing the Union, was well-received by the Black Caucus delegates. President of Local 743 in Chicago, illinois, Simpson told the delegates that, "We are not a separate entity from the International Brotherhood of Teamsters; we are all working to build a larger, stronger International Union."

Reports from Area Conferences

The delegates also heard reports on the activities of the Black Caucus in each of the Teamster area conferences, including remarks by Eddie Kornegay of the Eastern Conference, Larry Weldon of the Western Conference, Sidney Chism of the Southern Conference, and Claude Brown of the Central Conference.

Doc James concluded the 15th annual conference of the Teamsters Black Caucus by announcing that next year's meeting will be held in Chicago.



Attendees at the Teamsters National Black Caucus listened carefully to speakers at the 15th annual conference. More than 200 delegates were at the New Orleans meeting.

IBT Safety and Health Experts Visit Pennsylvania Local Union



Pictured during visit at Carolina Freight's break-bulk facility in Carlisle, PA, are (from left): Carlos Ramos, steward, Local 776, Harrisburg, PA; Vernon McDougall, IBT Safety and Health acting director; John Fogle, Local 776 business agent; Terry Hutchins, district manager; and LaMont Byrd, IBT industrial hygienist.

BT Safety and Health Acting Director Vernon McDougall and Industrial Hygienist LaMont Byrd recently met with officers and members of Teamsters Local 776 in Harrisburg, Pennsylvania.

During their visit, McDougall and Byrd made on-site inspections of the large break-bulk facilities of Roadway Express, ABF Freight Systems, and Carolina Freight Carriers.

According to Local 776 Business Agent John Fogle, McDougall and Byrd were invited to visit the local in order to give the two safety and health experts a look at how the three companies have differing work requirements for hazardous material. The local has roughly 5,000 members who come into contact in some way or another with such materials. Fogle said, "President Tom Griffith, the other officers, and all of the agents are very concerned about the safety of these members and feel that the International has a great deal to offer in the way of advice and information."

The pair viewed local operations to gain firsthand knowledge of the trucking industry and to learn about the application by the companies of hazardous materials training as outlined in Article 16 of the National Master Freight Agreement.

As part of their recent visit, McDougall and Byrd addressed the regular monthly meeting of Local 776's stewards. The IBT safety and health experts spoke at length about the newly awarded \$3 million federal grant which the Teamsters Union was awarded.

The grant will be used to train Teamster members in the trucking industry who work with hazardous material.

Teamsters Are Vital during Surgery:

"Operating Room Nurses' Week"

hen most people think of Teamsters, they don't think of care-givers in surgery. However, operating room nurses are Teamsters, too.

Berdine M. Mitchell, a registered nurse (RN), who is a member of Local 332 in Flint, Michigan, and an alternate steward of the Nursing Division, recently informed the IBT of "Operating Room Nurses' Week" November 11–17, and "Nurses' Day" on November 14. The local has 21 registered nurses employed at Flint Osteopathic Hospital. They are proud of their work and proud to be Teamsters but feel that too little is known about the jobs they do.

Providing Emotional Support

Of all the masked faces hovering over a patient during surgery, the OR (operating room) nurse has a special roll. The OR nurse speaks for the patients when they cannot speak for themselves.

When the patient arrives in surgery, the RN is there to greet and to provide emotional support as the patient is anesthetized. The RN then manages the patient's nursing care during the entire surgical procedure, as the surgical team works carefully over the incision. The OR nurse anticipates needs of the other team members to avoid any delays in the surgical procedure.

Guarding the Environment

These nurses guard the sterile environment of the operating room. They know the patient's health history and special needs. If the surgical procedure is being done with general anesthesia, these Teamsters monitor the vital signs—blood pressure, heart rate, and breathing.

Surgery does not simply begin and end in the operating room.

Before surgery, patients may be fearful and distraught.

Afterward, they need to know how to participate most effectively in their own recovery. OR nurses work with patients before and after their operations; they explain what the operation will entail, and what to expect. After surgery, they evaluate patients' progress and reevaluate the nursing care given in the OR.

Operating Room Nurse Week/

Day is sponsored by the Association of Operating Room Nurses, a professional specialty nursing organization with more than 45,000 members throughout the world with the universal interest of improving the quality of nursing care by nurses in the OR.

Teamsters are very proud to have the OR nurses among the rank and file and are very proud of the lifesaving techinques they have performed for so many years.

Dr. DeBakey Honored



International Vice President R.V. Durham (second from right) and International Trustee Ben Leal (center) recently attended a day-long symposium at the Baylor College of Medicine in Houston, TX, honoring Teamster Medical Advisory Committee Charter Member Dr. Michael E. DeBakey (far right). DeBakey, who serves as the college's chancellor and chairman of surgery, has served on the Committee since it was formally established in 1973. DeBakey's distinguished career as a physician, surgeon, teacher, and inventor was recognized with the unveiling of a bronze sculpture of his hands (pictured above) during the symposium. Also pictured are Medical Advisory Committee Chairman Dr. Donald Dawson (far left) and Tom Robertson (second from left) of the Central States Health and Welfare Fund.

Seattle Local Guides JC 28 Members Through CDL Testing Process



Local 174 Secretary-Treasurer Allen McNaughton (right) and Instructor Leroy Brown, a retired business agent.



Members of Teamsters Local 174 in Seattle, Washington, receive test results from Washington State officials as part of the local's training program.

eamsters Local 174 in Seattle. Washington, has helped more than 5.000 Teamster members pass the Washington State Commercial Drivers License (CDL) test since the new licenses were first issued in October, 1989. Local 174 Secretary-Treasurer Al Mc-Naughton and retired Business Agent and course instructor Leroy Brown state that more than 96 percent of the drivers that have taken the class, have passed the CDL exam and associated certifications. The local invites officials from Washington State to each class, so that members can take the class and the exam on the same day at the union meeting hall.

Class day starts early with members who need endorsements for double or triple trailer combinations; school bus or passenger vehicle; tank vehicle carrying gas or liquid; vehicle carrying hazardous material requiring placarding; or air brakes. The next section is the CDL program which consists of three parts: knowledge, performance, and vehicle inspection. All sections include an introduction by Instructor Brown, videotape instruction of the program material, practice questions, and a review.

Following the presentation of material, officials from the Washington State Department of Transportation conduct the test. Completed tests are graded on-site, and members who pass the test are issued a "Test Result Form" which they take to the Department of

Motor Vehicles for issuance of a Commercial Drivers License. Members that do not pass the test may retake the test; members who cannot read can be assisted by a person who reads the questions aloud. McNaughton is overjoyed with the success of the program and highly praises both Brown and the Washington State officials. He attends all of the classes and states that they provide a great opportunity to help members with something vital to their jobs. He also says that many drivers have thanked him and the local union for the beneficial, convenient program. In addition to providing the classes to his own local union members. McNaughton offers them to other Teamster local unions in Joint Council 28.

International Vice President Arnie Weinmeister, who is also president of Joint Council 28 as well as director of the Western Conference of Teamsters, congratulates McNaughton on the program and the exceptionally high pass rate. He states, "Al, Leroy, and Local 174 have put together a program at no charge to members that many outside operators want a lot of money for. They are to be commended for their hard work and service."



Members of Local 174 took the Commercial Drivers License test as part of the local's program.

Labor Getting Unfair Coverage by Media

ow many of us have read time and again articles in newspapers and magazines on corruption in organized labor? Too numerous to count on one hand, no doubt. This sort of biased coverage by our popular media paints a clouded picture of unions in general, and creates stereotypes that are made into films without ever approaching the topics that concern actual union workers. Recently, a report was issued by a news examining agency that documents just such bias within the American media system.

Issued on Labor Day, 1990, a report dealing with the media bias toward unions, the cause of it and its effects, was published by the Fairness and Accuracy in Reporting (FAIR) group in New York City. FAIR's staff maintains a regular dialogue with journalists and dozens of media outlets-newspapers, magazine, radio, and television talk shows. Through telephone, telegram, and letter-writing campaigns, FAIR members also confront the news media over censorship issues and the exclusion of public interest and minority viewpoints.

Labor, as the report stated, has degenerated to a lower class "beat" for newspapers, with business/finance being the "beat" of choice. The report, written by journalist Jonathan Tasini, details how the labor section is "disappearing altogether" or being replaced by a "workplace" section under the supervision of business editors. "Journalists covering workers' issues are essentially white, upper middle-class males," the report says. Tasini points out that "meanwhile, 'real wages are dropping, the female work force is growing, and people of color are dominating the lowest-paid . . . jobs.' " Most of us know from our daily reading that none of this is ever told, or featured, in our local papers. The stories of working men and women

nationwide are essentially ignored by our newspaper writers.

As FAIR's report states, "Reporting on the Teamsters takes to an extreme the media's obsession with flamboyant, controversial figures Lost is the sense of thousands of workers banding together for collective goals against recalcitrant employers."

Unfortunately, the statistics back up a shortsighted viewpoint. Of all the stories on the Teamsters Union during 1989 in the New York Times, The Washington Post, The Los Angeles Times, Wall Street Journal, Boston Globe, San Francisco Chronical, Chicago Tribune, and USA Today, only 15 percent dealt with noncrime-related issues.

Effects of Underreporting

In a recent television news report, for example, on the newspaper drivers strike at the *Daily News* in New York, *not one* of the eleven unions, including Teamsters, was mentioned by the anchorperson reporting the story. FAIR's report backs up this observation, as its data show that in 1989, the national television networks aired just five minutes and 10 seconds on the Teamsters.

Today, what workers do is not celebrated, and, as a result, a central part of the average citizen's life is ignored. The charitable work the Teamsters have undertaken in the last year alone—assistance with hurricane and earthquake victims, the Muscular Dystrophy and Easter Seal telethons, support for U.S. troops, and many other local area causes—goes unreported.

The solution to this situation is not clear. It is important to reflect on how we can work toward fairer news coverage of our Union. The International deals daily with press inquiries of all types nationwide. We do our best to provide the media with material about our various endeavors through interviews, press releases, and articles in this magazine. On the local level Teamsters need to keep being the hardworking union members we can count on—the tide will turn for the labor movement in America. Now is a time of reflection and concern about the infrastructure of our nation. The Teamsters have for 87 years been a cohesive, vital part of America, and we will continue to be loval to the point of view that "by our example we are known."

A Union Effort



Teamster member and race car driver Glen Goulet, Local 170, Worcester, MA, built the car, pictured above, with his father, Ron, and brother, Greg, also members of Local 170. Goulet is employed by CEX.

Airline Division Wins Big Increases In Final Pan Am Contract Proposal

he Airline Division has won major improvements in a final contract proposal from Pan American World Airways (Pan Am).

As this issue of The International Teamster goes to press, the 6,800 Teamsters at Pan Am are preparing for a ratification vote on the proposal at membership meetings throughout the system.

"Pan Am wanted to push our people out on strike in 1988, when the National Mediation Board declared an impasse in negotiations," recalled Airline Division Director Bill Genoese. "Then the company would have hired permanent replacements for our members."

But the workers did not strike. "They conducted guerrilla warfare against the company," Genoese said. "There were job actions and demonstrations all over the system."

Proposal Would Restore Wage Cut

The company imposed a concessionary contract on the workers in 1988, and most of the cutbacks in that contract are restored in the proposed new agreement.

Under the company's final proposal, an eight percent wage cut imposed on the workers in 1988 would be restored. Those on the payroll at the time of the cut would receive an additional six percent wage increase. All workers would receive three percent wage increases every six months, starting on February 21, 1991, and continuing through the length of the contract, which would run until February 1994.

This means the workers would get total increases of 26 percent over the life of the contract—plus restoration of the eight percent

Cuts in vacations, holidays, and sick days would also be restored, as would full seniority rights for bumping, bidding, transfers, and work assignments.

The Teamsters represent a broad cross section of Pan Am workersincluding passenger service, reservations and cargo agents, clerical



B

ai

b

C

L

to

f

d

Pan American World Airways prepares for a motorcade at Kennedy International Airport. The company wanted to force the workers on strike, but the workers fought back with a system-wide campaign for a fair and equitable contract.

and accounting employees, supply clerks, and nurses.

"The company found it couldn't succeed without the cooperation of our members," Genoese said. "The airline business is a service business, not a factory business."

He said Pan Am wanted to break the Union. It implemented a plan, put together by former company Vice President C. Raymond Grebey, to get rid of senior people and replace them with cheap help.

"Now the Grebey Plan is down the drain," Genoese said.

Details of Proposal Given to Workers

The Airline Division provided every Pan Am Teamster with full details of the company's proposal in advance of membership meetings at which the ratification vote was scheduled.

"We were duty-bound to keep the members fully informed and to give them the company's final offer," Genoese said.



Teamsters near Kennedy International Airport in New York as part of a guerrilla warfare campaign against Pan American World Airways. The campaign resulted in a final contract offer from the company which restored many of the "takeaways" imposed on the workers in 1988.

Pan Am has lost billions of dollars over the last 10 years; Genoese blamed the losses on gross mismanagement. He said the carrier has survived only by selling off its assets—including the Pan Am Building in New York City, the Intercontinental Hotels subsidiary, the Pacific routes, five London routes, and most of its aircraft, which it then leased back from the buyer.

Company Refused Arbitration Despite IBT's Efforts

Genoese recalled that the Teamsters offered to submit all issues to arbitration in 1988, but the company refused. He said the other four unions on the Pan Am property failed to support the Teamsters because of the company's divide-and-conquer labor strategy. The Teamsters, by contrast, gave 100 percent support to the Transport Workers Union during a TWU strike in 1985, but the TWU did not return the support when the Teamsters were in a strike situation in 1988.

"The company wanted to wear down the workers," he said, "but the workers fought back. The company and the traveling public were hurt by this management fiasco. Now we have brought back to the workers the best proposal we could get from Pan Am."

In 1981, he added, the Teamsters proposed that the unions get together to buy Pan Am. "At that time Pan Am still had all its assets," Genoese said, "but the other unions could not see the big picture."

He said that while Pan Am had changed its top management several years ago, it kept the same Board of Directors. He blamed the board for the company's huge losses.

Local 363 Holds 8th Annual Electricians' Graduation Dinner



A total of 129 electricians were honored at the 8th annual graduation dinner of Local 363, Howard Beach, New York. Both apprentices and journeymen electricians were on hand for the ceremonies. The group was the largest graduating class yet at the local.

total of 129 electricians were on hand at the 8th annual graduation dinner of Local 363, Howard Beach, NY, held recently in Long Island, NY. This year's event was a salute to the electrician apprentices who successfully completed their four years of training and were promoted to journeymen electricians.

Additionally, certificates of completion were awarded to existing journeymen who furthered their education in control wiring, blueprint reading, and electrical code requirements.

Pride in the Program

Local 363 President Joseph G. Canizio addressed the crowd and called attention to the diversity of skills and talents within the Teamster organization. "The modern Teamster movement," he stated, "includes nurses, airline pilots, construction workers, and our own highly skilled electricians." He went on to express his pride in the electrical training program and announced that this year's graduating class included the first women electricians in the history of Local 363.

Local 363 Secretary-Treasurer Pat Bellantoni complemented the largest graduating class ever, commending them for the long hours of study coming at the end of a hard day's work. "We at Local 363 will continue our efforts in producing the best electricians in the nation," he said.

Praise for Participants

The affair was attended by officials of many Teamster locals, as well as by representatives from various other AFL-CIO building trades unions. W. Fleming Campbell of the Eastern Conference of Teamsters praised the men and women of Local 363 for their accomplishments and welcomed them as part of the ever-growing labor movement.

Canadian Teamsters Participate In Federal Parliamentary Exchange Program



Member of Parliament Harry Chadwick (left) and Local 213 Business Agent John Newman in front of the Wellington Building in the nation's capital, Ottawa.

he Canadian Conference of Teamsters responded with enthusiasm to a request from the federal "Parliamentary, Business and Labour Trust" last summer for Teamster participation in a parliamentary exchange program.

Already popular for many years in Europe, and recently introduced in Canada, this novel project recognizes the complex interaction among government, business, and labor in a modern economy. Administered by the Parliament Centre, and endorsed by the three party leaders, the nonpartisan program has two main objectives: to help Members of Parliament (MPs) from all political parties to gain a broader understanding of the important functions and operations of trade unions and business enterprises; and to provide the business and labor communities with a better insight into Parliament's role in a viable economy.

To achieve these worthy objectives, the Trust selects MPs to spend a few days with major corporations and trade unions to enable them to observe their daily operations firsthand and to obtain a better understanding of the complex challenges they face. A special effort is also made to give participant MPs an opportunity to learn about a region of Canada different from their own.

Labor Liaisons Established

In keeping with this intention, the Trust suggested that Member of Parliament Harry Chadwick, from Ontario, who was selected to establish a liaison with the Teamsters Union, visit a local in western Canada. Ed MacIntosh, principal officer of Vancouver, British Columbia, Local 213, responded by volunteering the services of veteran Business Agent John Newman to serve as host and guide during Chadwick's visit in September.

On behalf of the locals in Joint Council 36. Peter Moslinger, Western assistant to the Conference Director and Joint Council president, extended a warm welcome to MP Chadwick. Newman had prepared an ambitious agenda for the busy week that followed. Chadwick learned about the operations, structure, and functions of a joint council. He also met with union officers to discuss labor concerns in the dairy and transportation industries, such as highway safety, marketing boards, and the effects of free trade and deregulation. MacIntosh pressed upon him the need for more effective liaison between labor and government. Chadwick visited Local 213's successful Joint Training School in Chilliwack, B.C., where the possibility for government funding of programs to provide new skills for unemployed Teamster members



Camp Jubilee left the visitors well impressed with the importance to the Union of charity and humanitarianism.

was discussed. He also got the opportunity to see further evidence of Teamster efforts for the less fortunate, when Moslinger and Newman accompanied him to two charitable undertakings with which the Joint Council has long been involved: the Esther Irwin Home of the Children's Foundation, an organization that aids abused children; and Camp Jubilee, a summer camp for workers' children. The visit out west left Chadwick with a very positive view of the workings and potential of labor organizations, and he expressed his appreciation of the warmth and hospitality shown him by all involved.

Rave Reviews Received

In appreciation and honor of the progam and the unions, companies, and Members of Parliament who participated in the program, the Speaker of the House hosted a dinner in Ottawa. Along with Conference Director Lacroix and Newman, who represented the



Camp Jubilee, a summer camp for workers' children, is a source of great pride for British Columbia Teamsters. The camp was founded during the Great Depression.



(From left): Peter Moslinger, Western assistant to the Canadian Conference Director; Coordinator Charmaine Murray of Camp Jubilee; and the Honorable Member of Parliament Harry Chadwick.

Teamsters, the guests included the Ministers of Industry and Labour, House leaders, and senior representatives from the political parties. The event also provided an opportunity for the participants to discuss the merits of the exchange program and to build on the bridges already established among them.

"I believe the Teamsters have gained a valuable contact in Ottawa as a result of this endeavor," says Director Lacroix. "As a member of the House Transport Committee, Mr. Chadwick is in a position to assist us in conveying our members' concerns to the Minister of Transport." Fully appreciative of Teamster efforts toward making the Union's involvement in the program a success, Lacroix went on to say, "I take a great deal of pride in confirming that in his remarks to the invited dinner guests, Newman made a strong, positive impression on behalf of our Union. All Canadian Teamsters are indebted to Local 213, as well as to its sister locals and the Joint Council, for accommodating Mr. Chadwick and for representing us in such a gracious and professional manner. I understand that he was very impressed with all that he saw, and this reflects to the credit of every Teamster local in Canada."

Canadian Local Wins Landmark Pension Decision

uébec Teamsters Local 1999 has won a landmark decision before the provincial Superior Court. This judgment sets a precedent in Québec with regard to the controversial issue of pension surpluses when an employer ceases operations or liquidates the fund.

For 13 years, Teamsters at Pierre Moreault, Ltd. contributed to the employer's supplementary pension fund. In June, 1986, the company discontinued its operations as a distributor for the giant Molson brewery and dismissed the work force. Shortly afterwards, these same Teamsters were hired by Molson, and they joined the company's pension plan.

Local 1999 swung into action, when it was revealed that the former employer's pension fund contained a \$166,636 surplus, and that all of it was slated to be returned to the employer. Firmly convinced that this money belonged to the employees and not to the employer, the local challenged the issue in court.

Upon examination, the Québec court came down squarely on the side of the Teamsters and their members, ruling that the employer had no rightful claim to the pension surplus. On the heels of this favorable decision, Local 1999 wasted no time in arranging to have the surplus funds reinvested in the members' current pension plan in order to improve their benefits.

Elated with the local's significant achievement, Canadian Conference Director Louis Lacroix, who also serves as the local's principal officer, comments: "Time and again, this issue has been the subject of legal dispute, and all too often our courts have sided with the employers, allowing them to grab hundreds of millions of dollars in pension surpluses. This ruling helps us put that money back where it belongs—in the workers' pension plan!" Remarking on Local 1999's success, Lacroix adds, "We're very proud to have been responsible for this legal precedent here in Québec. It not only improves the pensions of our Teamster members, it also encourages all Canadian workers to press their employers for increased benefits through the proper use of their pension surpluses."

Attention All Members:

Notify Your Local Union

If there needs to be a change made in your mailing address . . . complete the address correction form below, cut out along the dotted line, and forward to your Local Union.

No. Above Name			
Name			
Street			
City	State	Zip Code	

Western Conference Seminar a Success



The room was packed at the opening session of the seminar, which attracted over 400 delegates from throughout the West.

an Diego was the scene of an intensive five-day seminar put on by the Western Conference of Teamsters this fall. More than 400 delegates from throughout the West attended the highly successful event which featured workshops on negotiations, organizing, and political action.

In his opening remarks to the delegates, International Vice President Arnie Weinmeister, director of the Western Conference of Teamsters, emphasized the importance of political action.

He said that the legislative shackles that often hamper labor officials today would not be in place, had the Teamsters Union been as politically active in earlier times as it is today.



International Vice President and Western Conference Director Arnie Weinmeister presented a blueprint for action that emphasized organizing, political action, and teamwork within the divisions of the WCT.

Political Action Emphasized

Weinmeister urged the local unions to continue their involvement in community politics. "It is going to take time and patience" he said, "but the rewards for your work in this area will be substantial."

He cited the current legislative effort to win protection for striking workers from permanent replacements as an example of where political action has been crucial for the labor movement.

The seminar was built around Western Conference of Teamsters trade division meetings, where delegates were given an opportunity to focus on industry-wide problems and draw from each other's experiences to arrive at effective solutions.

Divisions Convene Meetings

In each of the division meetings, local union representatives reported on their negotiating and organizing with specific companies. Of almost universal interest was the continuing consolidation of companies in each industry and what effects that will have on future negotiations. There was no question that health and welfare benefits are the toughest bargaining issue currently facing negotiators.

The list of division meetings held during the seminar is itself impressive and demonstrates the



3!

or se

12

t

E

L

(From left): IBT National Warehouse Division Director Tony Lock; International Representative Edward Rodriguez; and Western Conference Freight Division Chairman George Rohrer.

broad Teamster involvement in the West. The industries represented were Food/Warehouse/Industrial and Miscellaneous; Driver/Sales; Dairy; Grocery; Cannery and Food Processing; Public Employees; Laundry; Bakery; Movie; UPS and Freight; Automotive; Construction/Solid Waste; and Moving and Storage.

Response to the seminar was overwhelmingly positive. The delegates were particularly pleased to have the opportunity to discuss their common concerns with their counterparts throughout the West.

"It was very encouraging to see so much interest from all of those who attended," commented Western Conference of Teamsters Director Weinmeister. He said that additional educational events will be planned for the future.



Delegates took a break from an intense schedule that involved discussions on organizing, political action, and negotiating trends.

Boston Teamsters Transport Statue of JFK

n eight foot, two inch tall memorial bronze statue of John Fitzgerald Kennedy stood wrapped in a special covering at the Tallix Foundry, Beacon, New York, awaiting shipment to Boston.

The 600-pound sculpture of the 35th President of the United States was due to be dedicated in 12 days on the west front of the Massachusetts State House, the gift of the people.

Children washed cars, senior citizens baked cakes, and one group ran a golf tournament to raise dollars to underwrite the cost of this tribute to President Kennedy. Even though the Massachusetts Legislature established a commission to create the memorial, no public funds were to be spent.

Teamsters to the Rescue

When volunteer help was needed to get the statue from the foundry to the site, a telephone appeal went to another native of Massachusetts, Teamsters General President William McCarthy.

McCarthy placed a call to Leo Barry, president of Hallamore Trucking in Holbrook, MA, whose employees are members of IBT Local 25 in Boston. Barry arranged the shipping date with the sculptor, Isabel McIlvain, and assigned the driver, Robert Jones, of Peabody, MA, to make the pickup.



Experienced Teamster driver Robert Jones, Peabody, MA, made the delivery. He is a Local 25 member.



Caroline Kennedy (at base of statue) unveils memorial statue of her father at dedication ceremonies at the Massachusetts State House. Former President Kennedy would have turned 73 this year.

Jones has been with the firm for 18 years.

The sight of the wrapped statue lying prone on the back of a flatbed 18-wheeler as it rolled through New York and onto the Massachusetts Turnpike in the early hours of May 17 popped a few eyes of motorists staring at what looked like a mummy heading for some museum.

It was still dark when Jones parked on Beacon Hill in front of the State House, while a hoisting crane was rolled into place and the statue was lifted from the flatbed and lowered onto its base.

The Teamster's contribution, joined with countless other vounteers, culminated in a warm and moving dedication on May 29th, the day, had he lived, when President Kennedy would have reached his 73rd birthday.

His daughter, Caroline, told the audience that it was her hope that "this statue of my father will more than memorialize his service to his country . . . it will inspire young people to contribute their talents and energies to the same noble cause."

The John F. Kennedy Fund is still short of its goal as volunteers plan numerous fund-raising events for this fall. Commission CoChairman John MacGovern said, "We would be eternally grateful to any Teamster willing to contribute one dollar by sending it in any form, cash or check, to JFK Statue, BOX 100, Boston, MA 02114. By giving a little you will be honoring a man who gave so much.











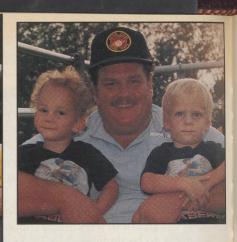


Happy Holidays . . . From **IBT Headquarters**

(Photos taken at Staff Outing, September 1990)

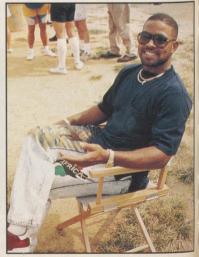












Celebrate the Holidays By Giving of Yourself

merica . . . what a beautiful name. And what it stands for is even more special than the name. America is made up of all kinds of people—people from different cultures and backgrounds, people of different religions and beliefs.

During this holiday season, many of us will be rejoicing with religious cermonies and cultural traditions that have long been a part of our lives. Although we have different customs and beliefs, we all have one thing in common: we are all Americans.

As Americans, we need to help and care for one another. As good citizens, we need to protect our country in times of war or invasion. With our men and women serving in the U.S. armed forces in Saudi Arabia and the Persian Gulf, we see how Americans stick together through thick and thin.

Remember Others in Need

The Teamsters Union is very charity-conscious. During the holiday season take a moment to remember your favorite charity. Call or write the charity to ask how you can best assist at this busy time of year.

Even in this land of plenty, there are those less fortunate and those who are struggling to make it through each day. There are the homeless people, many of whom have lost their jobs due to a downturn in the economy or because of a lingering illness. This holiday season is the time of year for us, as trade unionists and as Americans, to show concern for the needy throughout the country.

How Can We Help?

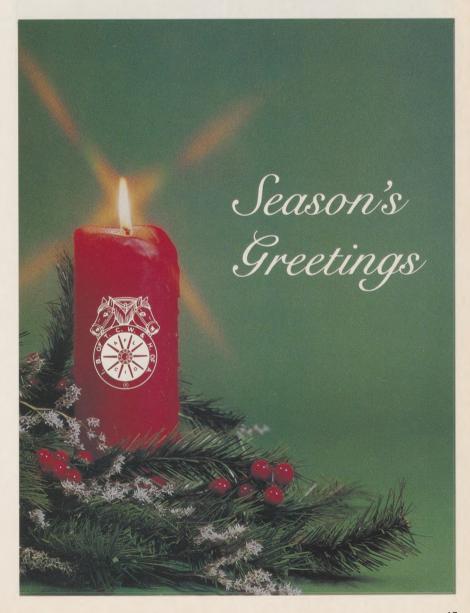
Instead of that extra present for one another, purchase some food items and bring them to your local

place of worship, so that others may have a warm holiday meal. If your funds are tight during the holidays, give of yourself.

You can donate your time by helping serve dinner at a soup kitchen or at the local union hall over the holidays. Give of yourself and offer a cheery sincere smile. These gifts could be the most important and beneficial of all.

You can go to a nursing home or a facility for disabled people and visit with folks who have no families and who would love to have your company for an hour or so. Bring your children with you. The elderly especially love to see happy, lively youngsters. You would be amazed at the life you could spark in these folks.

During this holiday season, remember others as you would want to be remembered if you were less fortunate, and make theirs and yours a memorable new year in America.



Teamsters Do Their Share

To Support U.S. Troops

esert Read, a project for shipping books and magazines to U.S. troops in the Saudi Arabia area, plans to send nearly 500,000 books to lessen the boredom faced by our brave men and women sent overseas. The International, under General President William J. McCarthy's direction, plans to assist with the many chores associated with such a charitable cause.

Desert Read is a response to the

Desert Shield military operation in the Persian Gulf area. A Washington, D.C., headquartered volunteer group, it began in recent months to coordinate this huge undertaking. "We think just about everyone has at least 25 paperback books or magazines he or she could donate," says Leo Brady, codirector of Desert Read. Coordinating efforts with the Defense Department, the Defense Logistics Agency, the Army Library Services Depart-



ment, and the General Services Administration, the project plans to:

• have collection points in federal office buildings in the Washington, D.C., area

C

T

W

phs

a

- collect the books at a warehouse staffed by volunteers
- ship the books to a military depot in Pennsylvania, where they will be containerized and sent to appropriate A.P.O. and F.P.O. boxes overseas.

Remember the Soldiers During the Holidays

ith the holiday season upon us, many of us will be making plans to be with our friends and loved ones. Then there are those families whose loved ones are part of the U.S. Armed Forces in Saudi Arabia and the Persian Gulf.

Many of the American men and women serving the United States in the Gulf will be painfully aware of the separation from their loved ones during this time. It is natural, fitting, and proper that we should remember these brave Americans at a time when we are more fortunate.

During the holiday season, many of us give donations and presents to our local charities. This year, the choice could be our fellow Americans serving overseas in the armed forces.

Although money is tight for many because of the economic downturn, the mere cost of a postage stamp could bring holiday greetings and warm wishes to someone stationed in the Gulf.

At this time, there is no guarantee a letter or package would arrive in time for the holidays, says the Defense Department. According to the Pentagon, anything sent must be able to withstand at least seven to 10 days of heat at 100 degrees F. Letters are not being opened by Saudi authorities, but a small portion of parcel mail is examined as a spot check.

Saudi rules forbid "material contrary to the Islamic religion," the Pentagon said, but that should not preclude religious material for the personal use of U.S. service members such as single copies of Bibles or religious holiday cards.

If you would like to bring a smile to a soldier's face over the holidays, mail all greetings that you want going to Army, Air Force, and Marine personnel on the ground in Saudi Arabia to: Any Servicemember, Operation Desert Shield, A.P.O., New York, NY 09848-0006. If you would like to send greetings to the Navy and Marine servicemembers on the ships, you would mail it to: Any servicemember, Operation Desert Shield, F.P.O., New York, NY 09866-0006.

The Goal: Boxes of Materials

The goal is to send boxes with a variety of reading material to the troops with the guidance of the Army Library Services Department, to ensure that the right amount of material is sent to each address.

General President William J. McCarthy fully endorses this initiative and has pledged the IBT's support in shipping the books from Washington, D.C., to the Pennsylvania military base. "It is an ambitious project, but no doubt worth the time and effort, when the cause is boosting the morale of America's servicemen and women—the standard-bearers of justice and democracy," General President McCarthy said about Desert Read.

Because the host country, Saudi Arabia, as is the case with most Islamic nations, has cultural standards which prohibit books or magazines of a political, religious, or sexually explicit nature, none of these types will be sent.

Desert Read plans to send 500,000 to one million books between November, 1990, and January, 1991—an amount prescribed by the 200,000 troops already deployed in the area and the 200,000 more soon to be sent, according to recent news reports.

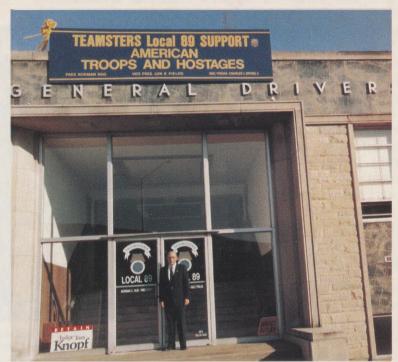
More Signs of Support From IBT Locals

In addition to the International's efforts. IBT local unions are joining in the support of U.S. troops overseas. Miami, Florida, Teamsters Local 769 President Tony Cannestro has donated 4,000 Teamster headbands to "Operation Homefront," a Port Everglades, FL, organization which will be sending 100,000 shoe boxes filled with a variety of objects-from pens to pretzels—to show the troops how much we value their duty in Saudi Arabia and the Persian Gulf area. The International headquarters in Washington, D.C., also donated 1000 Teamster magazines for this project.

"International Teamster" Spurs Local's Support

After seeing The International Teamster's October issue with the cover photograph of the banner proclaiming Teamster support for the troops and hostages, Norman Hug, president of Local 89, Louisville, Kentucky, was inspired to have a similar banner made for his local (see photo, next column, top). "We felt the International set a great standard for us to follow, and the community response has been outstanding," Hug said. The large yellow bows that surround their sign, in fact, have influenced motorists to tie small bows on their car antennas, while other companies in the Louisville area, such as AT&T, have adopted a U.S. troops and hostage support project or sign of their own.

Louisville, KY, Teamsters Join in Support of Troops



Norman C. Hug, president of Teamsters Local 89 and of Joint Council 94 in Louisville, KY, stands in front of his union hall where the local has posted a sign supporting the troops and hostages in Saudi Arabia and the Persian Gulf

Local 671 Offers New Tractor Trailer School



Teamster Local 671, East Harford, CT, recently graduated the first class of its new Tractor Trailer School. In addition to training for Class I licensing, the school now offers Class II training and Commercial Drivers License (CDL) classes. Local officers Tom Robidoux, secretary-treasurer, and Gus Ralph, trustee, were instrumental in making the school a reality. Pictured are (front row, from left): William DeCrescenzo; David Combs; James Cimino; Robert Boardman; (back row, from left) Roy Stokes, director of training; Robidoux; Robert Huggler; Nelson Paradis; Rene Peloquin; Robin Monaghan; and Steven Deske. Bruce Ducharme is not pictured.

New York Daily News Workers on Strike:

Teamsters Fight for Fairness

he New York Daily News, New York's alleged "hometown" newspaper, and the nation's second largest daily with a circulation of nearly 1.2 million, has pushed the 10 unions which represent the paper's employees into their last resort—a strike. For 10 months, there has been a dispute between the newspaper and its workers during contract negotiations. Events leading to the strike began when a supervisor commanded a driver, previously injured on the job, to work standing up.

Mike J. Alvino, president of the Newspaper and Mail Deliverers Union of New York, an independent union, commented: "We did everything possible not to have this strike. Management spent \$20 million in preparation to break the unions. Our members showed patience every day. When they went to work they were treated as if it were the 1930s, not the 1990s. bargaining unit members were attacked with intimidation, and changes in working conditions which we negotiated over the past 50 years were arbitrarily taken away." The breaking point came when the injured worker was told while working to "stand by the wire machine," even though he had been given a report that allowed him to sit at the machine. The business agent who was representing that individual was ejected from the building by two guards.

Drivers Stage Lockout At Plant

The action brought about a lockout by *Daily News* Drivers at the Brooklyn Plant.

The *Daily News* was already prepared and within 10 minutes delivered 32 scabs who pulled up in a bus with blackened windows. Management had previously hired



New York's hometown unionized work force has shown the Daily News, and the entire metropolitan area, what labor thinks of the newspaper's anti-labor management.

guards and drivers from all over the country, and told Alvino they replaced, by reverse seniority, 60 of the drivers and would not allow them in the building. This left Alvino no alternative but to call an unfair labor strike. Eight other unions called a strike against the News. They were experiencing the same type of intimidation. Alvino said, "the fight in New York is a fight for labor. Trenches have to be dug here, and labor must come out with a victory. To achieve this, we need support from all labor. especially the Teamsters. I am grateful for the hospitality shown at the Teamsters Newspaper Drivers Division Conference in Phoenix, Arizona."

Teamsters General President William J. McCarthy and IBT Newspaper Drivers Division Director Tom McGrath urge all Teamster members in the New York metropolitan area not to buy the scab *Daily News* and not to patronize shops or stores which advertise in the scab newspaper.

The Greater Allied Printing Trades Council of Greater New York, the umbrella group representing the striking unions at the *Daily News*, began a city-wide advertising campaign November 5th, telling their side of the story and asking New Yorkers everywhere to boycott buying the newspaper "until it comes back home" and reaches a fair agreement with its unionized work force. (See story, next page.)

"Don't Buy *Daily News*" Ads Advise

Saturation radio advertisements will reach millions of New Yorkers, many of them union members, with the Council's message that "if you care about New Yorkers and their families, please don't buy, or advertise in the *Daily News*."

"Some people are saying that the scab *News* will survive, and bring the end of the line for New York's newspaper unions," said George McDonald, president of the Allied Printing Trades Council and Mailers' Union #6, one of the striking unions.

"New York is a union town and New Yorkers have a gut sense of fairness," continued McDonald. "They know when the big guy is going after the little guy with brass knuckles and steel-toed boots. Together with our neighbors in all of New York's communities, the unions are going to show the *News* they can't sell this newspaper until they agree to bring back the workers, and sit down and work out a fair agreement."

No "Hometown" Newspaper

One point of the ads, McDonald explained, is to make it clear that The *News*' owner, the Tribune Company, has been planning for nearly a year to force the unions on strike and replace the unionized work force. "The Tribune Company has spent millions of dollars to get rid of us," said McDonald.

One ad asks New Yorkers: "Did you know that New York's hometown paper: isn't owned by New Yorkers, isn't run by New Yorkers, isn't written, produced, or delivered by anyone from New York and on October 25th forced 2,600 New Yorkers onto the street? This doesn't sound like New York's hometown paper. This sounds like a raw deal."

Contrasts in Management-Labor Relations

BY RICHARD A. WEISS

s most lifelong New Yorkers will testify, ours is a city of contrasts and extremes.

Nowhere has this phenomenon been more evident than in the negotiations between the Allied Printing Trades Council of New York and two of the city's great newspapers: the Daily News and the New York Post.

As a consultant to the 10-union council for the last nine months, and as an observer of both sets of negotiations, I have been stunned by the night-and-day difference between Daily News publisher James Hoge and Peter Kalikow, owner of The Post.

As most readers are aware, early last month Kalikow notified the Post unions that unless they gave \$20 million in concessions the newspaper would shut down.

He had bought The Post some two years earlier for \$37 million and had pumped in another \$60 million to keep the troubled tabloid afloat. But it was still losing \$27 million per year.

The Allied Printing Trades Council asked Kalikow to turn over his books to union auditors so they could verify that the newspaper was on the brink of collapse. Every one of the owner's assertions checked out.

Kalikow turned loose his toplevel people to negotiate around the clock to save the paper. He did not blame the unions or attack them, but rather noted that the tabloid's difficulties were due to the faltering New York economy and to general troubles in the industry.

He was straightforward and honest dealing with the unions as equals. And labor responded in kind.

First and foremost among the Allied Printing Trades Council's priorities was saving the 950 jobs that were on the line. The concessions Kalikow asked for were extremely painful, but the unions were willing to sacrifice—if everyone did—to keep The Post alive.

And in a five-day period, the unions agreed to concessions that, combined, totalled \$20 million. In return, Kalikow will give the unions a 20 percent interest in the company and a seat on the board of directors.

Today, The Post is a going concern; labor and management operate in an atmosphere of mutual respect.

Uptown, the Daily News negotiations drag on with no resolution in sight. One can only wonder why. Publisher James Hoge's hired henchman, out-of-town lawyer Bob Ballow, sits across the table from the exact same people who, in Kalikow's words, demonstrated "farsightedness and statesmanship" in saving The Post.

The only elements in the equation that are different are Hoge and Ballow.

Rather than present a specific

package for the union to review, Hoge unilaterally insists on changes in the newspaper's operations that would deny employees any voice in workplace decisions.

Rather than open his books, Hoge creates an atmosphere of distrust and hostility.

Rather than have his own managers conduct negotiations, Hoge brings in Ballow, who has built a lucrative career busting unions.

Rather than asking the unions to help solve problems, Hoge hopes they'll go on strike so he can permanently replace his employees with scabs.

Well, Hoge is learning the hard way that union-busting ultimately results in the company going bust itself.

Hoge and, for that matter, the management of the New York Times, which is now joining the concessions bandwagon, should learn a lesson from Kalikow.

Union members aren't one-eyed, three-headed monsters from outer space—they're hard-working men and women who simply want to preserve their jobs, earn a decent wage and have a voice in what goes on in the workplace.

Unions aren't part of the problem—they're part of the solution. The Post proved that. Now it's up to Hoge to learn from his mistakes and do the right thing.

(Reprinted with permission, New York Post.)

A Labor of Love by Illinois Local:

Teamsters Donate Day of Work for Children

eamster members of Local 525 in Alton, Illinois, who are employed by Highland Machine and Screw Products, Inc., in Alton, worked along with other employees four and one-half hours of overtime on an October Saturday to help the children of two of the company's employees. The two children are six-year-old Cheryl Tebbe and four-year-old Colby Haenny; both suffer from leukemia. Because treatment for leukemia can cost in some cases hundreds of thousands of dollars, the Teamster parents of the two children needed a helping hand from friends and coworkers with big hearts and deep pockets.

Compassion from Coworkers And Management

Fellow employees Jean Kapp and Cheryl Haggard are credited with getting the charitable effort off the ground. They suggested to the company the idea of voluntary extra work time and the donating of the proceeds to the two families. Management agreed and worked closely with Local 525 Secretary-Treasurer Dale Steward and Assistant Business Representative Tom Pelot to orchestrate the effort. According to the Highland News Leader newspaper, "about 80 employees, including those in the shop, office, and management, worked four and a half hours on Saturday (October 6). The company paid the workers overtime and would donate an additional 50 percent above the amount donated by employees to benefit the Tebbe and Haenny families. Bill Sullivan, office manager, said that there were no restrictions on the use of the money by the families.

More than 80 percent of Highland's employees worked on that Saturday, and most of those who were unable to, contacted manage-



Pictured above are 64 members of Local 525 who are employees of Highland Machine & Screw Products, Inc., and who participated in the special workday on behalf of the two children with leukemia.

ment and asked to donate separately. This charitable effort by the members of Local 525 and the employees of Highland is extraordinary only in that so much was accomplished in so short a period of time. Charity is nothing new to these Alton Teamsters. Each year these Teamsters, not just those with Highland, but almost all of the members, show they care by donating both time and dollars to various charities to help those less fortunate—the handicapped, the destitute, the disabled, the dying. Each day, the good they have done touches the lives of many individuals who are struggling with the challenges of rehabilitation, illness, recovery from injury, sickness, and with the routine difficulties of day-to-day survival.

The members of Local 525 do not expect lots of credit or praise, but only hope that Cheryl Tebbe and Colby Haenny and their families will benefit from the money raised, and that the two children will be able to battle the leukemia into permanent remission.

Pelot commented after the extra day of work that, "The Union and management at Highland Machine and Screw have worked together well, and, as a result, allowed a venture such as this, to come about. Two workers, Jean Kapp and Cheryl Haggard, went to management; management was very receptive to the idea. There were, of course, various legal considerations such as taxes and the collective bargaining agreement, but we were able to work those things out."

th

n

el

H

e

D

la

d

re

tl

tl

h

la

ti

g

r

D

Management Was Active Participant

Pelot continued, "roughly 14 or 15 people from management participated in the effort. Some of the employees even donated bonus pay earned at other times toward the cause. The import and the impact of this effort became apparent to me when Ed Frisse, president of the company, said that 'this particular Saturday was the 'happiest day of his work life.'

"Local 525 Secretary-Treasurer Dale Steward was totally supportive of these members and of the effort. He was instrumental in helping them turn this idea into reality. Both Steward and I agree that we have been profoundly impressed with such a sincere spirit of charity from an entire bargaining unit."

Hopes Are High For the Children

According to the Belleville News-Democrat, a newspaper covering the Alton area, Cheryl Tebbe of Breese (Illinois) has been suffering from leukemia for more that two years. She was in remission, but the disease flared up again recently and she will probably need a bone marrow transplant. Although a large part of the families' medical bills are paid through Teamster health and welfare palns, some of the additional medical expenses will not be covered. The humanitarian effort by these Teamsters from Highland and the other Highland employees and management, will go a long way toward eliminating the major financial worries concerning the expense of such a transplant.

Also according to the *News-Democrat*, "Colby Haenny of Highland (Illinois) is in remission, and doctors estimate his chances for recovery at 75–80 percent."

Neither the Teamsters of Local 525 nor any of the other employees of Highland can work "honest-to-goodness" medical miracles, but their having put their hearts into their extra work will lend a helping hand to the families and doctors who are caring for Cheryl and Colby.

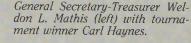
For their concern and for their labor of love, these Teamsters and their coworkers at Highland deserve a lot of credit. The International Union extends both its congratulations to Local 525 for its record of compassion, caring, and charity, and its appreciation for the efforts of those members who work at Highland.

Teamsters Par the Course

he Teamsters Union sponsored another successful golf tournament in West Palm Beach, Florida, to benefit the Little City Foundation in Palatine, Illinois.

The 1990 International Brotherhood of Teamsters Invitational Golf Tournament was played at the PGA Tournaments Players course (TPC) on the east coast of Florida, with 225 players participating.

This year's tournament brought together friends from labor and management to take part in one of the country's most prestigious and enjoyable tournaments for charity.



The Teamsters have a longtime tradition of supporting Little City, a national foundation that cares for mentally and physically impaired young adults.

Over the years and with Teamster support, the Little City Foundation has built one of the finest and most successful facilities of its kind in the nation. The Teamsters Union is proud to know that its contributions are helping Little City residents to develop their capabilities to the fullest potential.

Over the past year, programs developed by Little City Foundation have been shared with the agencies and communities throughout the United States which serve the nation's nine million people with retardation.

Little City Foundation is known nationwide for its innovative program development. Currently two of its programs are receiving national attention: Families One and Project VITAL (Video Induced Training and Learning).

Families One is a program which offers an alternative method to bring services into the home, so that a child with mental retardation can continue to live at home. Project VITAL teaches people with mental retardation to operate cameras and produce videotapes in the high tech environment of a television studio.

Teamsters' support of this golf tournament enables Little City to continue to develop dynamic programs such as these for people with mental retardation, so that they may have a first-class chance at life.

The winner of the 1990 Little City Golf Tournament was Carl Haynes, vice president of Local 237, New York, NY. This year's tournament raised \$250,000, which Little City will use to expand its various programs for its beneficiaries and which will also help bring Project VITAL into more communities.

If you would like more information about the Little City Foundation, call: (312) 282–2207.

42-Year Safety Record



Teamster member Samuel Palermo (center), Local 249, Pittsburgh, PA, in a 42-year career as a truck driver, has totaled a remarkable 680,000 miles of accident-free driving. Now an employee of Lyons Transportation Lines, Palermo began working dock and spotting trailers for Dorn Trucking in Chicago, IL, in 1943. He has been driving for Lyons for 33 years. Pictured with Palermo are Greg Ogg (left), Local 249 vice president, and Nicholas Sansotta, Local 249 president.

Back Pay Award



Teamster member David Livingston (left) is presented with a check by Brian Beaver, secretary-treasurer of Local 624, Santa Rosa, CA. The local negotiated a settlement of \$26,535 on his behalf, for discharge without proper cause by California Cooperative Creamery in Petaluma, CA.

Baltimore Hydro-Therm Employees Win First Contract



(From left): Local 311 Secretary-Treasurer Gene Shiflett, Stewards Douglas Davis and Welford Shiflett, and Business Agent Bryan Griffin.

fter a seven year battle, Gene Shiflett, secretary-treasurer of Teamsters Local 311 in Baltimore, Maryland, has finally negotiated a contract with Hydro-Therm, Inc.

Local 311 won the election to represent the employees in May, 1983. The company filed 18 objections to the election, which the regional office of the National Labor Relations Board (NLRB) dismissed. Not content to settle for a ruling in favor of the workers, the company appealed to the NLRB in Washington, D.C., and was denied. The company then refused to bargain with Local 311 and appealed that decision to the 4th Circuit Court of Appeals.

The 4th Circuit Court denied the company's appeal and ordered them to negotiate with the local. Negotiations finally began in August, 1987, and after 10 meetings produced no real movement. The local filed a Refusal to Bargain charge with the NLRB in January, 1988. The Administrative Law Judge ruled that the company was guilty of failure to bargain in good faith, upon which ruling the company appealed to the NLRB in Washington.

Shiflett continued the fight to keep the people from being discouraged and was eventually able to get the company back to the bargaining table. After two strong objections to the company's offers, the company then placed a decent offer on the table that included union security—one of the key stumbling blocks. The contract was unanimously ratified on September 17, 1990.

Shiflett said, "This case shows that if you can keep the people strong and together, even a company that denies workers their right to organize through delaying tactics can be won. After much time and expense the local prevailed and now approximately 100 member can enjoy the benefit of a Teamster contract."

Back Pay Award



Jackson, TN, Local 217, member Bobby Stone (right) was unjustly discharged by his employer, United Parcel Service, after 17 years of service as an auto mechanic at Dyersburg, TN. (Center) Local 217 President/Business Manager Gaylon Meals (left) presented Stone's case in arbitration. Resulting in the award were: reinstatement with full seniority, back pay grossing \$33,309.82, back payments to Central States for all health and welfare and pension expenses, and the expunging of the discharge from his personnel record. Additionally, all time off will count as time worked—for purposes of calculating all future benefits.

Protect Your Future.

Contribute
To D.R.I.V.E.

Local 249 Has Organizing Win



Teamsters Local 249 in Pittsburgh, PA, successfully organized Laidlaw Transit, Inc. of Crafton, PA. The first election was held on February 9, 1990, but the Union was defeated. Business Agent Huey Dietrich filed charges at the National Labor Relations Board. A new election was ordered. Local 249 was successful and was properly certified. This was a total team effort that was assisted by Bob Flynn of the International Brotherhood of Teamsters and from International Vice President Joe Trerotola and Eastern Conference Representative Dick Peluso. Dietrich stated that without the help and assistance of both the IBT and the Eastern Conference, this campaign would not have been successful. Other officers from Local 249 who assisted are: Tom Johnston, recording secretary; Bill Cherilla, secretary-treasurer; and Trustees Joe Schmid, Terry Mahoney, and Bob Kercek. (Pictured, from left): Fred Dixon, Kathy Marshall, Mike Diminno, Huey Dietrich, and John Kuntch.

Teamster Driver Delivers Classic Car



When safe delivery of a classic 1966 Ford Mustang was needed for the Carlisle, Pennsylvania, Auto Show, E&L Transport Company turned to Teamster driver Norbert "Nubs" Strom, Local 200, Milwaukee, WI, for the task. E&L Transport donated round-trip transportation of the car—which has been featured on an auto restoration television series on Milwaukee Public TV—to the auto show, where it was viewed by over 100,000 people. Pictured with Strom are (clockwise, from left): Don Loeffler, terminal manager, E&L Transport; Tom Axtell, general manager, WMVS/WMVT; and Roger Beavers and Jack Jaeger, cohosts of "Classic Car Shop."

Pittsburgh Local Honors Employer



Teamsters Local 249, Pittsburgh, PA, recently honored one of its employers, Monteverde's, Inc., for an outstanding history of labor-management relations. The company, which began in 1886 with two brothers selling fresh fruits and vegetables in Pittsburgh, has operated under contract for 50 years without a work stoppage. Holding the plaque are: Nicholas A. Sansotta (left), president, Local 249, and Joseph W. Monteverde, president, Monteverde's, Inc. Also pictured are Steve Monteverde (front row, second from right), company vice president; William M. Barber, (far right), business agent; and, in background, Local 249 members employed at the company.

Back Pay Award



Charlie Giordano (far left), president of Local 125, Totowa, NJ, presents a check to Dean Capabianca, route salesman for the Pepsi Cola Company, totaling \$33,000 in back pay. Capabianca was one of four Pepsi employees reinstated in their jobs thanks to the efforts of Local 125. Total back pay awards were over \$100,000. Also pictured are Bob Hunterton (second from right), business agent, and Bill Lewis (far right), shop steward.

30th TLA Class



The 30th class of the Teamsters Leadership Academy, held at the IBT headquarters in Washington, D.C., brought together 25 local union officers from across the U.S. and Canada. They included: Ed Bozell and Jane Craft, business agents from Local 38, Everett, WA; Alvin T. Bethea and Robert L. Brown, trustees, and Mary T. Cox, vice president, Local 95, Williamsburg, VA; Anthony T. Hooks, vice president, and Larry C. Gibson, Vincent Lasita, and Donald W. Meece, business representatives, Local 100, Cincinnati, OH; Larry M. Thomas, president, Local 103, Baltimore, MD; Gary A. Ensminger, business representative, Local 175, Charleston, WV; Stanley E. White, business representative and organizer, Local 206, Portland, OR; James K. Barnes, business agent, Local 223, Portland, OR; Marvin Lacy, and George Netto, business agents, Local 287, San Jose, CA; Roman R. Garcia, secretary-treasurer, Local 435, Denver, CO; Don Pehl, business agent, Local 579, Janesville, WI; John Gallagher, president, Local 624, Santa Rosa, CA; Roger Beam and Ronald E. Ross, business agents, Local 639, Washington, D.C.; Christel Jorgensen, business agent, Local 662, Eau Claire, WI; Ray Bauer, Jr., secretary-treasurer, Local 697, Wheeling, WV; John Newborn, business agent, Local 786, Chicago, IL; and Harry Ashley and Jim Fitzgerald, business representatives, Local 952, Orange, CA.

How to Evaluate a Financial Planner

nancial planning is something best left to experts. Traditionally this meant certified public accountants (CPAs), lawyers, and securities brokers. Investment opportunities and the economy itself have grown so complex that a new class of money advisers has sprouted. They are known as "financial planners," who, for a fee, advise people on the management of their financial resources.

According to Mary J. Stephenson of the University of Maryland at College Park, the professional financial planner analyzes a client's goals and needs, and sets up a spending plan. Often these financial planners are CPAs, lawyers, and securities brokers, but not always. "They determine insurance requirements, review investment patterns, work to reduce taxes, and establish a retirement plan. But frequently practice does not follow theory," she says.

One of the problems facing individuals who seek qualifed professional help is that planners are not licensed. No educational requirements or minimum standards of performance are required. Also, there is no state licensing. Simply because a shingle with the legend "certified financial planner" is hung outside someone's home or office, does not guarantee that he or she is qualified to manage a little league baseball team, let alone your money.

Until the financial planning professional adopts qualifying standards and licensing procedures, you may do well to steer clear of small specialty outfits and one-person operations. Insurance companies, brokerage houses, and banks offer a wide range of worthwhile financial planning services, often from skilled specialists.

The investment options recommended by these advisers will probably coincide with the services offered by the company. For example, don't be surprised if an insurance company recommends that you beef up your insurance coverage, or if a brokerage house recommends a more varied stock portfolio, etc. Any advice coming from someone affiliated with financial services such as these should be tempered with the realization that the company hopes to benefit from your patronage. Currently at least, the aim that financial responsibilities can be placed on someone else's shoulders while you are relieved of the burden just isn't the case. It requires plenty of input, especially when choosing an adviser.

The president of a financial planning company in Nashville, Tennessee who is also the president of the Institute of Certified Financial Planning states: "A financial planner should be required to register as an investment adviser." Both the federal government and the states are registering financial planners as investment advisers. On the state level, 37 states register investment advisers through examination and registration.

The Department of Consumer Economics and Housing, Cornell University has some advice for those seeking financial guidance. Consider attending a free or low cost seminar on investing before selecting an adviser. By doing this you will have an opportunity to evaluate the teacher and learn what types of services and investments are offered.

Once you have made your selection, be prepared to pay for the service you receive. Some advisers work for a fee, some work on commission, and others frequently combine commission and fees. The adviser you choose should understand your goals and financial sit-

uation, be up-to-date on recent tax laws and take time to explain investments and their risks. Most important of all you should feel comfortable with your adviser. To aid in the selection of a financial adviser, Cornell specialists have developed a bulletin titled "Choosing Financial Advisers."

In identifying a qualified financial planner, leaders in the business suggest you ask these questions:

- Is he or she licensed to deal with a variety of products from securities to insurance rather than just one product?
- Is the planner continuing his or her professional education?
- What is the planner's educational and/or professional background?
- Will the planner give you the names of other clients as references?

After these preliminary questions, you will no doubt want to know about cost.

There is a real need for professional financial advisers. Finding competent advice at reasonable cost is difficult, though, and promises to remain so for some time until the profession puts its house in order.

(Copyright 1990 by Press Associates International)

Be Safe!

Drive Carefully

During the

Holiday Season

Report XVIII to All Members of the International Brotherhood of Teamsters

From: Frederick B. Lacey, Independent Administrator

I INTRODUCTION

In this Report, I will update you on the following items: (1) the Election Officer's work, including the hiring of two additional Regional Coordinators, the hiring of Adjunct Coordinators, the hiring of two Election Protest-related Coordinators, a brief explanation of the Election Protest and Appeal procedure, and a summary of my decisions regarding the seven Election Protest Appeals to date; (2) the status of the disciplinary charges which have been filed by the Investigations Officer; and (3) my decision regarding the Western Conference Loan.

1. The Election Officer's Work

a. The Election Officer's Hiring of Additional Regional Coordinators

In my last three Reports, I provided you with lists including the names, addresses, telephone numbers and regions of the nineteen Regional Coordinators that were retained by the Election Officer, Mr. Holland. As I have informed you, these individuals will "coordinate" the supervision of the election process throughout the United States and Canada. Mr. Holland has now retained two additional coordinators. The names, addresses, office ("O") telephone numbers, facsimile ("fax") numbers, and regions appear below.

NAME	REGIONAL CODE	REGIONS/STATES	JOINT COUNCIL
Christine M. Mrak Webster, Mrak & Blumberg 600 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101	PNW (Pacific NorthWest)	Seattle, Washington Portland, Oregon	JC 28 JC 37
O: 206-223-0344 Fax: 206-223-0316			
Geraldine L. Leshin 353 East Angeleno—Suite E Burbank, CA 91502 O: 818-566-8918 Fax: 818-566-9622	CLA (Los Angeles) 818-761-1452	Los Angeles, California	JC 42

b. The Election Officer's Hiring of Adjunct Coordinators

Mr. Holland has, because of the immense task of supervising the International Union delegate and officers' elections at each Local Union, begun the process of retaining Adjunct Coordinators to assist the Regional Coordinators in their efforts. The Adjuncts will be authorized to perform supervisory functions involving, among

other things, nominations and elections at the direction of the Regional Coordinators. The Election Officer's hiring of Adjuncts is consistent with the terms of the Rules for IBT International Union Delegate And Officer Election (the "Election Rules") and the Consent Order.

c. The Election Officer's Hiring of Two Protest-Related Coordinators p d s

btlb

tl L c to

i. Eligibility and Eligibility Protest Coordinator

Mr. Holland has retained Ronald L. Webne, an attorney, as an "Eligibility and Eligibility Protest Coordinator" to assist him with respect to making determinations of eligibility for IBT members seeking election, and the review and investigations of filed election protests regarding eligibility.

ii. Protest and Compliance Coordinator

Mr. Holland has retained John J. Sullivan, an attorney, as a "Protest and Compliance Coordinator." Mr. Sullivan will assist him with respect to his responsibilities for, among other things, the review and investigation of protests filed by IBT members not related to eligibility, appeals from determinations of the Election Officer on those protests, and compliance with orders issued by the Election Officer and the Independent Administrator.

- d. Pre-Election and Post-Election Protest and Appeals Regarding The International Union Delegate and Officer Election
 - i. Election Officer's Role

Upon timely receipt of a pre-election or post-election protest from a Local Union officer or member, the Election Officer issues a decision after review and investigation, within the strict time periods as set forth in the Election Rules, and where appropriate, imposes a remedy. The Election Officer's decision also serves to inform the parties of their right to request a hearing before the Independent Administrator within twenty-four (24) hours of their receiving the Election Officer's determination.

ii. Independent Administrator's Role

My role in this process is to give the parties to the protest an opportunity to appeal the Election Officer's determination if they believe an incorrect result has been reached. Upon receipt of an election protest appeal, and within the time-periods set forth in the Election Rules, I, or my designee, then conduct a hearing and a decision is then issued. Except in extraordinary situations, evidence not submitted to the Election Officer during his investigation will not be considered on appeal.

iii. Decisions of the Independent Administrator

To date, I have heard and decided seven appeals regarding

election protests.

on

ng

or

st-

to

of

d-

in

of

n

ne

n

n

1.

n

ne

28

nt

ir

e

is

g

The first appeal asked that I decide issues regarding members' rights to post campaign publicity material on Local Union bulletin boards maintained within the business premises of an employer. In affirming the Election Officer's determination, I decided that the complaining member should have been allowed to post the campaign material because the Local's claim that it had, in the past, prohibited the posting of unofficial information on such bulletin boards, was unsupported by historical precedent. As to the remedy, I upheld the Election Officer and ordered the Local's President to do as follows: sign and post the campaign materials; send a notice, at his personal expense, to all the members of the Local which explained their right to participate in campaign activities and to post campaign material; and to personally pay the reasonable expenses incurred in litigating the protest, including the attorney's fees of the complainant.

My second decision regarding an election protest appeal also affirmed the Election Officer's findings and determinations. In it, I held that a notice posted by the Local regarding the results of nominations to the positions of International Union Delegate and Alternate Delegate violated the Election Rules because it was printed on Local Union stationery bearing the names and offices of individuals who were not only incumbents but also candidates for the same positions. I further ruled that, in such a notice, it was improper to indicate the number of nominations received by particular nominees and to rank the nominees in terms of votes received. As a remedy, the principal officer of the Local was ordered to post a proper notice

My third decision centered upon a member's eligibility to run for the position of delegate to the 1991 IBT International Convention. I affirmed the Election Officer's determination that the member was ineligible because his late dues payment caused his consecutive 24-month member-in-good-standing status to be interrupted in violation of the Election Rules and the IBT Constitution.

My fourth decision involved three separate issues springing from one Local Union's nomination meeting for delegates to the IBT International Convention. As to the first issue, I decided that two nominations were valid based upon my determination that the seconder was eligible to nominate both candidates. As regards the second issue, I declared null and void a nomination based upon the ineligibility of the person who seconded that nomination. Lastly, a factual question was left undecided concerning the identity of a seconder to a nomination. In fairness to all, and in consideration of the peculiar facts of the case, I directed that a special meeting be conducted within 24 hours of my decision for the purpose of filling the spots left vacant by my decision. It is noted that, ordinarily, I do not favor reruns; however, given the peculiar circumstances here, I did permit it.

In reaction to my decision, the protesting member sought to reverse my ruling by appealing to United States District Judge David N. Edelstein. On November 1, 1990, following oral argument in his Court, Judge Edelstein denied this appeal. Judge Edelstein's Memorandum and Order are published elsewhere in this issue.

My fifth decision again involved a question of eligibility. I upheld the Election Officer's determination that a member was ineligible to run as a delegate to the 1991 International Convention. The individual had been suspended from membership in his Local for a period of one year effective March 1, 1990, thereby causing an interruption of his member-in-good-standing status in violation of the Election Rules and the IBT Constitution.

My sixth decision involved two alleged violations of the Election Rules. First, a Local Union member alleged that the principal officer in his Local made improper campaign statements at a Local Union meeting. Second, the same Union member alleged that the same principal officer made threats to a member of another Local Union (non-IBT) designed to chill her participation in the affairs of the IBT Local election. The Election Officer determined that, based upon the allegations of the complainant and the facts presented during the investigation, the Election Rules had not been violated.

Following the hearing, I ruled that the Election Officer had satisfactorily established his Findings of Fact and that his Conclusions of Law were supported by the facts and valid as a matter of law. Accordingly, I affirmed the Election Officer's determinations in all respects.

My seventh, and most recent, decision involved a request by a Local Union member, an announced candidate for delegate to the 1991 IBT Convention, to cause his Local to make available to him all the collective bargaining agreements concerning that Local. The dispute arose because the Local maintains offices in ten locations throughout a large state. The Local's principal officer denied the above request by the member and indicated that it would cause considerable hardship to the Local to make the agreements available. The Election Officer, in his Decision, determined that "[i]mplicit in the requirement that Local Unions make . . . agreements available ... is the requirement that such agreements be made available on a reasonable basis." The Election Officer determined it unreasonable to force a member to travel to ten different locations to inspect the agreements. I upheld the Election Officer and, as a remedy, ordered that Local's principal officer in the Local to make the agreements available to the requesting member during regular business hours and upon 24-hour's notice.

2. Disciplinary Matters

a. Scheduling

A list of the recently scheduled or rescheduled hearings including the names of the charged individuals, details of

Report XVIII (continued)

the charges, the hearing dates, and the hearing locations appear below.

CHARGED	CHARGE	HEARING	HEARING
INDIVIDUALS	DETAILS*	DATES	LOCATIONS
Angelo Misuraca	Oct., p. 22	Nov. 20, 1990	Nwk, NJ
Joseph Cimino, Jr.	Oct., p. 24	Nov. 29, 1990	Nwk, NJ
William Lickert, Sr.	Nov., pp. 25–26	Dec. 3, 1990	Pitts., PA
William Lickert, Jr.	Nov., p. 26	Dec. 3, 1990	Pitts., PA
Liborio Crapanzano	Oct., p. 22	Dec. 5, 1990	NY, NY
Pasquale Crapanzano	Oct., p. 22	Dec. 5, 1990	NY, NY
Gerald Corallo	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
Eugene Ciner	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
Randolph Leidl	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
John Mastando	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
John Maddaloni	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
John Spada	Nov., pp. 26–28	Dec. 6, 1990	Nwk, NJ
Alphonso Lyles	Oct., p. 24	Dec. 13, 1990	Nwk, NJ
Carmen Parise	Oct., p. 23	Dec. 17-18, 1990	

^{*} For details of the underlying charges, see The International Teamster magazine at the appropriate issue and page listed in the "Charge Details" column.

b. Charges Withdrawn or Resolved by Agreement

The charges against Frank Manzo and Nellie McKim have been resolved by agreement between the Investigations Officer and the parties. I will update you on the specifics of these agreements in my next Report to you.

The Investigations Officer has withdrawn the charges against Michael Urso-Pernice because he appeared and gave a sworn statement to him on September 5, 1990, regarding the expenditure of legal fees by Local 295 and La Cosa Nostra involvement in Local 295. See The International Teamster magazine, October issue, at pp. 23–24. The Investigations Officer has also withdrawn the charge against Anthony Calagna, Jr., which charge was based upon his refusal to give a sworn statement to the Investigations Officer regarding the payment by Local 295 of the personal legal expenses of Anthony Calagna, Sr., and the payment of other legal expenses incurred by the Local 295 Executive Board for defense of civil racketeering charges against its members. See The International Teamster magazine, October issue, at p. 24.

c. My Opinion in the Disciplinary Matter Involving Mario J. Salvatore

On May 2, 1990, I conducted a hearing on the two charges filed by the Investigations Officer against Mr. Salvatore (Secretary-Treasurer of Local 191). These charges against Mr. Salvatore involved: (1) embezzling money from the Local 191 Health Services and Insurance Plan; and (2) embezzling and converting Local 191 money, through improper severance and other benefits, to the detriment of the Local 191 members and in violation of Article II, §2(a) and Article XIX, §6(b) of the IBT Constitution. Following extensive briefing and consideration of further evidence submitted by Mr. Salvatore, in a decision issued on October 12, 1990, I found that the Investigations Officer had failed to meet his burden of proving Charge One but had met his burden regarding Charge Two.

Accordingly, I ordered Mr. Salvatore to remove himself for a period of two years from all of his IBT-affiliated Union positions (including membership in Local 191 and the IBT) and draw no money or compensation therefrom, or from any other IBT-affiliated source. My decision is now before Judge Edelstein for review, and the penalties imposed have been stayed by me pending Judge Edelstein's decision.

3. My Decision in the Matter of The Western Conference Loan

In accordance with the terms of the Consent Order, I have reviewed the IBT's proposal to convert to a gift, or grant, a loan totalling nearly \$6 million previously made by the IBT to the Western Conference of Teamsters (the "Western Conference"). I vetoed, in a letter Opinion dated October 11, 1990, the proposed expenditure based upon my reasonable belief that converting the Western Conference Loan to a grant or gift would further either of two racketeering activities: (1) the extortion of rights of the IBT rank and file to a democratic union; and (2) the embezzlement of the rank and file's funds. Pursuant to the Consent Decree, "[f]or a period of up to fourteen (14) days after my decision, the IBT's President and/or General Executive Board shall [have] the right to seek review by [Judge David N. Edelstein] of [my] decision." As the IBT did not seek review of my decision within the time period set forth in the Consent Decree, my decision in this matter is final.

Unfortunately, our investigation into this matter indicated that the IBT's record-keeping and accounting practices should be improved and tightened if it is to serve its membership well. The purported basis for the conversion of this loan to a grant was simply that the late Jackie Presser made some behind the scenes commitment to the then Western Conference Director Jesse Carr to convert the loan to a grant or a gift. That commitment was subsequently reiterated to the present Western Conference Director, Arnold Weinmeister, and to General Secretary-Treasurer Weldon Mathis who, in turn, announced Mr. Presser's promise to others. General President McCarthy and Mr. Mathis indicated their support for this conversion, however, neither inquired why, when subject to votes by the General Executive Board ("GEB") in 1984 and 1986, the transaction was approved as a "loan". In addition, no one on the GEB questioned the fact that the transaction was carried on the IBT books as a loan for all these years. Still further, no one questioned that the IBT's own accountants concluded that the Western Conference had the financial ability to repay the loan.

I determined that Mr. Presser and Mr. Carr conspired to mislead the GEB members into believing that they were voting to approve a loan when, all the while, they were actually planning a grant or gift. I found it unacceptable that the IBT General President would now recommend that the IBT make a grant or gift of nearly 6 million dollars based upon these circumstances. Therefore, as noted, I exercised my veto.

II. CONCLUSION

As always, any communications may be addressed to any of the following:

Frederick B. Lacey, Independent Administrator LeBoeuf, Lamb, Leiby & MacRae Gateway Center I, Suite 603 Newark, NJ 07102

id

y T d

- sneet

Charles M. Carberry, Investigations Officer Jones, Day, Reavis & Pogue 599 Lexington Avenue New York, NY 10022 Michael H. Holland Office of the Election Officer for the International Brotherhood of Teamsters 25 Louisiana Avenue N.W. Washington, D.C. 20001

Communications to the Court may be sent to:

Honorable David N. Edelstein United States District Judge Southern District of New York United States Courthouse Foley Square New York, NY 10007

Court Order of Judge Edelstein

United States District Court Southern District of New York

MEMORANDUM & ORDER 88 CIV. 4486 (DNE)

United States of America, Plaintiff,

for Reuben Zeller;

-v-

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., Defendants.

Appearances: LEWIS, GREENWALD, KENNEDY, LEWIS, CLIFTON & SCHWARTZ, P.C., New York, New York, (Daniel E. Clifton, Henry J. Feldman, of counsel,)

FREDERICK B. LACEY, Independent Administrator, Newark, New Jersey, (Stuart Alderoty, of counsel);

MICHAEL HOLLAND, Election Officer, Washington, D.C., (Barbara Hillman, of counsel);

OTTO G. OBERMAIER, United States Attorney, Southern District of New York, Edward T. Ferguson,

III, Assistant United States Attorney, of counsel, for the United States of America.

EDELSTEIN, District Judge:

Applicant Richard Zeller filed an application to this Court dated October 31, 1990 seeking review of an October 24, 1990 decision of the Independent Administrator, 90-Elec. App.-4. In his application Zeller, a member of Local 435 in Denver, Colorado, moves this Court for a preliminary injunction overturning the October 24, 1990 decision of the Independent Administrator. For reasons to be discussed, Zeller's motion for a preliminary injunction is denied.

In 90-Elec. App.-4, the Independent Administrator ruled on an election protest filed by Zeller challenging the nominations of candidates for Local 435's upcoming delegate election. The Independent Administrator ruled that the two candidates, Thomas Dimino and David Ring, were improperly nominated, and ordered a special nominating meeting be held where Dimino and Ring could be properly nominated. The special meeting was held on October 27, 1990. Dimino and Ring were properly nominated at the special meeting. The instant application followed. Zeller brought an order to show cause seeking a temporary restraining order and preliminary injunction at 5:15 p.m. on October 31, 1990. At 6:00 p.m. on October 31, 1990, this Court denied Zeller's application for a temporary restraining order, and ordered that a hearing be held on the preliminary injunction application at 8:30 a.m. on November 1, 1990.

Zeller's motion for a preliminary injunction seeks to enjoin Local 435's delegate election because the special meeting ordered by the Independent Administrator was beyond the scope of the election rules adopted for the 1991 IBT election. Specifically, Zeller alleges that the

Court Order (continued)

Independent Administrator had no authority to order the special meeting. In Zeller's view, once the Independent Administrator ruled that Dimino and Ring were improperly nominated, they should have been permanently excluded from the ballot.

In this circuit, it is well settled that the standard for issuing a preliminary injunction is a showing of (a) irreparable harm and (b) either (1) likelihood of success on the merits or (2) sufficiently serious questions going to the merits to make them fair ground for litigation and a balance of hardships tipping decidedly towards the movant requesting the preliminary injunctive relief. Since Zeller failed to demonstrate any irreparable harm, or likelihood of success on the merits, in his papers or at the hearing, the motion for a preliminary injunction must be denied.

Zeller argues that he faces irreparable harm from participating in an election where it is unclear who the candidates are. He argues that should this court overturn the October 24, 1990 decision of the Independent Administrator after the delegate election, then Local 435 would face the time and expense of a rerun election. This argument, however, only alleges that Local 435 might suffer harm. Zeller has not showed that he personally stands to suffer any irreparable harm.

Second, and most importantly, Zeller has not demonstrated any likelihood of success on the merits in this case. Zeller asks this Court to overturn the October 24, 1990 decision of the Independent Administrator. Pursuant to ¶K.16 of the Consent Decree, decisions of the Independent Administrator are only to be overturned if they are an "abuse of discretion." The Court of Appeals has interpreted ¶K.16 to mean that decisions of the Independent Administrator "are entitled to great deference." 905 F.2d 610, 616 (2d Cir. 1990).

Zeller argues that the Independent Administrator's decision to allow Dimino and Ring an opportunity to correct the flaws in their nominations by way of this special meeting was error. Essentially, Zeller argues that incumbents such as Dimino and Ring should not be allowed an opportunity to correct a flaw in their nominations. He asserts that there is no basis in the election rules for this special meeting, and that it creates an appearance of favoritism towards incumbents. These arguments are incorrect.

First, the authority of the Independent Administrator to order the special meeting is clear from the election rules. The Independent Administrator ordered that special meeting pursuant to his authority to decide election appeals under Article XI, Section 1.a.8 of the election rules. That provision authorizes the Independent Administrator to make "whatever findings and ordering whatever relief is appropriate to resolve the appeal." Article XI, Section 2 lists a large number of potential remedies available to resolve election appeals. Article XI, Section 2(j) authorizes ordering that meetings be held. Article XI, Section 2(x) permits ordering the rerun of any nomination or election. These remedies specifically available to the

Election Officer are equally available to the Independent Administrator.

Second, Zeller argues that allowing Dimino and Ring a second chance at nomination creates the impression of impropriety and favoritism towards incumbent candidates. Zeller's reasoning in this regard is not correct. As this election process continues, it is more likely that challenging candidates like Zeller, rather than incumbent candidates like Dimino and Ring, will make errors conforming to these election rules and therefore are more likely to need an opportunity to cure any defect. The Court Officers should fashion relief as needed in response to such situations.

At the hearing held November 1, 1990, the Independent Administrator argued that underlying policy should favor the inclusion of candidates in IBT elections. The Independent Administrator, Election Officer, and Government all believe that the public interest lies in allowing more rather than less choice in these IBT elections. The Court agrees that the Independent Administrator should decide election protests with an underlying philosophy of inclusiveness rather than exclusiveness. As this Court has stated time and again, it is of critical importance that the IBT, the rank and file, and the public at large have confidence that these elections shall be fair, free, and that they go forward without delay.

The Independent Administrator determined that the proper relief in Zeller's appeal was to order a special meeting for the purpose of nominating Dimino and Ring. The Independent Administrator considered the flaws in Dimino and Ring's nominations, and determined that the special meeting was the "relief appropriate to cure the appeal." Election rules, Article XI, Section 1.a.(8). Zeller has not demonstrated that the special meeting ordered by the Independent Administrator was an abuse of discretion.

Finally, Zeller claims that the special meeting itself was procedurally flawed, because of a lack of quorum and lack of proper notice. But these claims are not properly before this Court, because Zeller must follow the procedure spelled out in Article XI of the election rules.

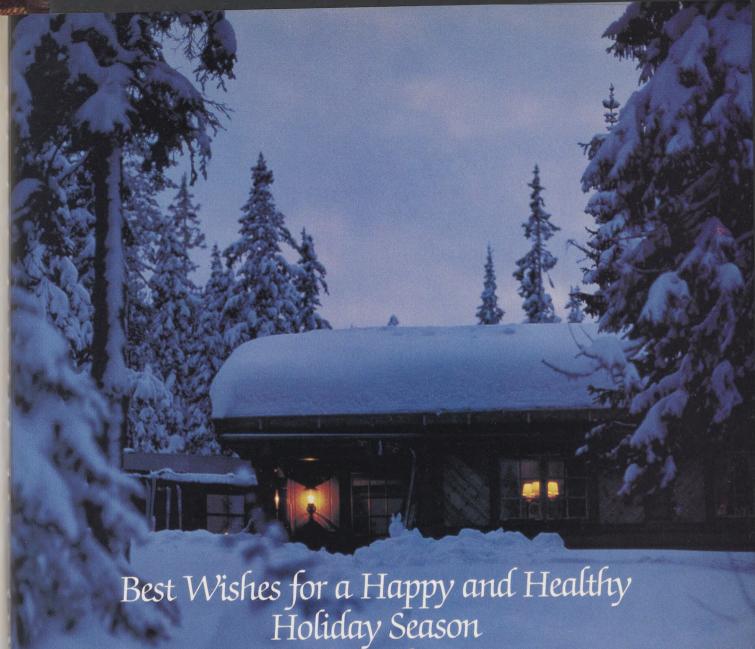
Conclusion

For the reasons stated above, it is hereby ordered that movant's motion for a preliminary injunction is denied in all respects. Further, Zeller's appeal of the October 24, 1990 decision of the Independent Administrator is hereby denied.

SO ORDERED.

DATED: NOVEMBER 1, 1990 NEW YORK, NEW YORK

/s/ hay Earch



Holiday Season
from the
International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

WILLIAM J. McCARTHY
General President

JOSEPH TREROTOLA

Vice President

JOSEPH MORGAN
Vice President

EDWARD LAWSON

ARNIE WEINMEISTER

WALTER J. SHEA

JACK D. COX
Vice President

DON L. WEST Vice President

MICHAEL J. RILEY
Vice President

WELDON L. MATHIS
General Secretary-Treasurer

THEODORE R. COZZA

Vice President

DANIEL C. LIGUROTIS

Vice President

FRANCIS W. HACKETT

Vice President

R. V. DURHAM Vice President MITCHEL LEDET
Vice President

GEORGE VITALE
Vice President

JACK B. YAGER
Vice President

TRUSTEES

BEN LEAL

ROBERT DERUSHA

